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### Bodies and Borders: Navigating Colonial and Capitalist Desires in Trinidad and Tobago

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**BODIES AND BORDERS:  
NAVIGATING COLONIAL AND CAPITALIST DESIRES  
IN TRINIDAD AND TOBAGO**

By: hannah grosberg  
Submitted to the International Studies Program, Trinity College  
Supervised by: Dr. Diana Aldrete

**ABSTRACT**

Colonialism/capitalism/ continue to create and exploit a dehumanised labour population in the pursuit of profit and power. The current formation of such a population is formed through heterosexist, xenophobic and racist ideologies revealed in the discourses and practises surrounding the (mis)treatment of refugees, as well as sex tourism and human trafficking in Trinidad and Tobago. The legal backbone of these three modern expressions of colonialism/capitalism in Trinidad and Tobago are the Sexual Offenses Act, the Trafficking in Persons Act, and the Immigration Act. In effect, undocumented migrants, refugees, and sex workers are criminalised, barred access to human rights, and become an exploitable labour population. Despite the everyday oppression refugees must navigate, they demonstrate constant resistance.

<sup>1</sup> I use the slash '/' to invoke the connection between the two systems.

## ACKNOWLEDGEMENTS

María Lugones explains, “One does not resist the coloniality of gender alone. . . Communities rather than individuals enable the doing; one does with someone else, not in individualist isolation.”<sup>2</sup> This paper exists as an attempted decolonial, post-colonial global feminist project because of the community who have guided, supported, critiqued, and loved myself and the paper. In recognition of this, I would like to express my deepest gratitude to all those who have supported me throughout this paper and contributed to my intellectual development, specifically:

- To the Trinity College Faculty Research Committee for awarding me the Student-Initiated Research Grant, without which the interviews would not have happened.
- To my advisor Diana Aldrete for your patience, encouragement, and commitment, beyond any obligation or kindness.
- To Professors throughout my education, especially Linda Tabar and Anna Larson whose classes on Global Feminism and Global Forced Migration built a solid foundation for each subject field, and especially to professors who assisted me with this paper: Shunyang Zhang, and Zayde Antrim.
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<sup>2</sup> Lugones, María. Toward a Decolonial Feminism. *Hypatia*, Vol 25, No 4. Fall 2010. Jstor. Accessed 18 March 2019. 754.

## **DEDICATION**

For those crossing the physical and mental borders imposed upon us.

### CLAIMER<sup>3</sup>

This paper aims to embody a decolonial, post-colonial, global feminist praxis: one where people who are most marginalised are centered and their subjectivity and agency highlighted, one with a Global South perspective attune to global inequalities, one that contextualises, historicises and acknowledges nuance, one that is uncompromising on decolonial, liberatory possibilities.

There were two main limiting factors in achieving this goal. One was the limited length of time for my research, particularly the interviewing period, which was completed over two weeks during the busy Christmas vacation period 2018-2019. A longer period of time would have allowed me to complicate and support my arguments more robustly as my knowledge on the subject would have expanded.

My positionality was also a limitation in some regards. I was born and raised in Maraval, Trinidad and Tobago, in a conservative Catholic family, many of whom express sentiments rooted in racial inequality and heterosexism. As a light skinned Trinidadian with European heritage, I have benefitted from white privilege in the social, economic capital passed down through generations.

The trajectory of my education also posed a significant limitation to articulating an analytical framework from a Trinbagonian, or Global South perspective. I attended public school in Trinidad and Tobago through Form 5, but have since attended institutions in the United States of America (US). Even though I have specifically sought out courses which have an international focus, most of the approaches and material is US/Eurocentric. While I bring my own lived experiences as a Trinbagonian to my analysis, my education is lacking a West Indian scholarly specificity.

The process of producing this body of work was an exercise in decolonising my own education by centering Trinidad and Tobago as my location of subject matter, and by centering Caribbean scholarship as my secondary sources. These strategies worked alongside my internship with WOMANTRA and volunteering with Living Water Community over summer 2018. The research and writing of this paper coincided with a dynamic and catalyst moment, when refugees were arriving in my own small country in the Global South in proportionally large numbers. The migration of refugees into Europe and other Global North countries is given so much attention in media and scholarship, when in reality, 85% of refugees are hosted by countries in the Global South.<sup>4</sup> By pivoting the focus towards the everyday oppression and resistances of refugees in a country that is not familiar with hosting so many of them, this paper contributes a unique angle to migration studies and feminist studies. The paper is an the answer to viewing migration in Trinidad and Tobago through a decolonial, post-colonial global feminist lens, rather it is an act of praxis towards using such a framework.

<sup>3</sup> Rather than “disclaiming” the strengths and limitations I bring as an author, I claim them. In doing so I explain to the reader where I am situated in the context of my research and analysis, and can identify my weaknesses and take concrete steps to minimise their impact.

<sup>4</sup> United Nations High Commissioner for Refugees. “Figures at a Glance.” *UNHCR-USA*, [www.unhcr.org/en-us/figures-at-a-glance.html](http://www.unhcr.org/en-us/figures-at-a-glance.html).

## **GLOSSARY**

### **ASYLUM SEEKER**

A person who has applied for refugee status and is pending the decision of the determinant, whether that is the UNHCR or the government of the hosting country. Since refugee status is declaratory and protection starts immediately, the term asylum-seeker does not indicate that a person is waiting for protection as a refugee. Instead, it locates the refugee in a particular step in the application process.

### **CAPITALISM**

A structurally unequal economic system, originating in Northwestern Europe somewhere between the fourteenth and sixteenth centuries and spread through colonialism and neo-colonialism, where land and the means of production are privately owned and operated by a minority capitalist class who exploit the wage-earning working class for profit. It is a system with little or no regulations, as regulations are thought to exist naturally through competition. Profit is prioritised over common good, including people's wellbeing and the environment.

### **COLONIALITY**

Coloniality, short for the coloniality of power, is a term coined by Anibal Quijano to describe the legacy of colonialism. It is characteristic of global, Eurocentred, racist, capitalist power, which has outlived formal colonialism and exists in contemporary societies and systems.

### **DISCOURSE**

The language used to discuss a certain topic. As Michel Foucault theorised, discourse is not descriptive, rather, it is constructive/productive in legitimising certain ways of thinking about topics, while marginalising and degrading others.

### **ETHNICITY**

Ethnicity describes the social construct of grouping people who share learned (rather than inherited), and identity-based commonalities such as language, religion, culture, history, beliefs, and memories.

### **HEGEMONY**

A term coined by Antonio Gramsci to imply a state of unconscious control achieved by a subtle form of coercion from a dominant group over another group. Although it does not exert physical violence, hegemony is inherently violent in nature as it invisibly attains the consent of the public for interests, which only benefit the dominant group in power. Counter-hegemony is the challenging of hegemonic knowledge.

### **HETEROSEXISM**

A system of beliefs and behaviours acting on individual, sociocultural, and institutional levels and centered around unequal (cis)male-(cis)female sexuality and relationships, as if it was the only normal and acceptable form.

## **HUMAN RIGHTS**

Human Rights today usually refers to the rights outlined in the UN Declaration of Human Rights, which was declared in 1948 in response to World War II. The UN defines human rights as the “rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.”<sup>5</sup> This term has received criticism for using the Western, individualistic, male experience as the norm, and for enforcing global hierarchies through the human rights regime (Parisi). In recognition of these shortcomings, I use human rights in this paper lightly, sometimes referring to its use in the UN Declaration, and other times as a placeholder for what would be a global feminist replacement for the term.

## **LATINX**

A term which evolved in the early twenty-first century from “Latino” and “Latina” to identify people of Latin American origin or descent without the binary ‘o’ or ‘a’ gendered endings.

## **LGBTQ**

An acronym referring to Lesbian, Gay, Bisexual, Trans, Queer people, among other non-cis-heterosexual identities. In this paper, I use the term lightly to refer to those who identify or practise non-cis-heterosexuality. Sometimes I exchange LGBTQ with the term queer.

## **LWC**

Living Water Community is a Catholic Ecclesial Community in Trinidad and Tobago with many different ministries such as the Ministry for Refugees and Migrants. LWC acts as the implementing partner for the UNHCR in Trinidad and Tobago.

## **RACE**

Race stems from a belief constructed and globalised during colonialism, which divides and classifies human beings by physical characteristics. These physical characteristics hold no biological significance (as people all belong to one human race) but are socially significant. Race has been and continues to be utilised to reinforce power, superiority, and discrimination against certain people by a socially dominant group. People have also established group identities and solidarity through “race”. Racism describes a system of prejudice and discrimination based on the idea that certain “races” are inherently inferior or superior to others. Racism is embedded and expressed not only in individual minds and actions, but also in economic, social, and political structures.

## **REFUGEE**

A person who, owing to a well-founded fear of persecution has fled their place of origin and is in another country, and due to fear of persecution does not or cannot return.<sup>6</sup> This definition has been criticised as being too narrow and flawed, with various other definitions being unofficially proposed. In this paper, I generally understand refugees to be persons who have applied refugee status and those in Trinidad and Tobago would be granted refugee status but have not officially applied.

<sup>5</sup> United Nations. “Human Rights.” *United Nations*, United Nations, [www.un.org/en/sections/issues-depth/human-rights/](http://www.un.org/en/sections/issues-depth/human-rights/).

<sup>6</sup> 1951 Refugee Convention, P.14.



## **TRAFFICKING**

According to the *United Nations Convention against Transnational Organized Crime*, “Trafficking in persons” refers to “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”<sup>7</sup> However, in practise in Trinidad and Tobago trafficking discourse is more associated with sex trafficking than other forms of trafficking.

## **UNHCR/ANUCR**

United Nations High Commissioner for Refugees or The United Nations Refugee Agency (La Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados o ANCUR in Spanish) is “a global organization dedicated to saving lives, protecting rights and building a better future for refugees, forcibly displaced communities and stateless people.”<sup>8</sup>

## **XENOPHOBIA**

Fear and hatred towards people, places, and cultures that are perceived to be “foreign”, often coming from another country

<sup>7</sup> UN General Assembly, *United Nations Convention against Transnational Organized Crime : resolution / adopted by the General Assembly*, 8 January 2001, A/RES/55/25, available at: <https://www.refworld.org/docid/3b00f55b0.htm> Article 3 (a) p. 42

<sup>8</sup> United Nations High Commissioner for Refugees. “About Us.” *UNHCR*, [www.unhcr.org/en-us/about-us.html](http://www.unhcr.org/en-us/about-us.html).

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## INTRODUCTION

On 31st August 1962, the two-island nation of Trinidad and Tobago celebrated its first day of independence from Britain with the joyous proclamation, “Massa Day Done!” But approximately 60 years later, the gross human rights violations of incoming refugees prompts the question: Is Massa Day really done?<sup>9</sup> Independence marked a point when the people of Trinidad and Tobago expected to have access to the nation and thus be full citizens in a sovereign country. To mark this special day, Dr. Eric Williams, historian and the first Prime Minister of the independent country, published a book on the history of the people of Trinidad and Tobago in the belief that knowing your history is essential to decolonisation. In the Introduction to the *London Edition* he wrote,

This history of the People of Trinidad and Tobago will, it is hoped, explain to the people, within and outside the Commonwealth the policy of the new Independent Commonwealth country. That policy can be very simply stated- to remove the vestiges of colonials, and change the colonial pattern and mentality in every sphere.<sup>10</sup>

Dr. Williams’ vision of a people and society united in their efforts towards decolonisation is the foundation of the nation of Trinidad and Tobago. Contrastingly, the current dehumanisation of refugees exposes the coloniality of the global nation-citizen hegemony. Thus, colonialism/capitalism continue to create and exploit a dehumanised labour population in the pursuit of profit and power. The current formation of this population is formed through heterosexist, xenophobic, and racist ideologies that are revealed in the discourses and practises surrounding the (mis)treatment of refugees, as well as sex tourism, and human trafficking in Trinidad and Tobago. The legal backbone of these three modern expressions of colonialism/capitalism in Trinidad and Tobago are the Sexual Offences Act, the Trafficking in Persons Act, and the Immigration Act. In effect, undocumented migrants, refugees, and sex workers are criminalised, barred access to human rights, and forced into an exploitable labour population in the informal economy.

This paper will draw from a post-colonial, global feminist framework to examine the (mis)treatment of refugees in Trinidad and Tobago today. The study will highlight its coloniality, that being the colonial legacy, as well as the underlying project of colonialism/capitalism in creating a dehumanized population for power and profit. First, I will lay a foundation for my analysis by critiquing the nation-citizen world order, which currently uses the hegemony of national borders and citizenship to justify the denial of non-citizens rights. Second, I will examine the origins and effects of the “Spanish Gyal” imaginary as a colonial/capitalist tool that dehumanizes refugees, undocumented migrants, and sex workers. The “Spanish Gyal” imaginary operates through a combination of legalised hegemonic discourse and hypocritical practices supported by the Sexual Offences Act, the Trafficking in Persons Act, and the Immigration Act, and contributes to the criminalisation, violation of human rights, and marginalisation of this population into an informal economy where they become an exploited labor source. Finally, I

<sup>9</sup> Massa is a term used to refer to plantation owners and their white employ during enslavement, and in general to colonisers. Massa Day refers to days of colonialism and enslavement particularly. “Massa Day Done!” is a proclamation that colonialism is over and the colonisers are no longer in power.

<sup>10</sup> Williams, Eric. *The History of the People of Trinidad & Tobago*. Eworld Inc, 1942.

describe lives of this dehumanized, exploitable population as they navigate through the interests and systems of various actors. By centering the voices of a specific sub-population within this larger dehumanized labor force, I hope to provide the reader with a better understanding of how colonialism/capitalism function and are resisted simultaneously in the everyday.

This final section comes from approximately 1-2 hour long interviews with three Venezuelan refugee women, and 12 staff members from various non-profit, non-governmental organisations who provide services to refugees in Trinidad and Tobago. Since Living Water Community (LWC) acts as the implementing partner for the United Nations High Commissioner for Refugees (UNHCR), they are primary provider of refugee protection in Trinidad and Tobago. In light of this, most of the staff members I interviewed were from LWC. This paper is biased towards the Venezuelan refugee woman's experience considering Venezuelan refugees are the largest refugee population in Trinidad and Tobago today. However, readers must remember that other smaller refugee populations exist in Trinidad and Tobago. Readers are cautioned not to read this paper as an explanation of a 'universal refugee experience', despite the overarching similarities in the experiences of dehumanization.

The current influx of Venezuelan refugees to Trinidad and Tobago has led to a new form of colonialism/capitalism. A post-colonial, global feminist lens exposes the coloniality and underlying intent of colonialism/capitalism, in spite of the changing pieces of this assemblage. In doing so, this paper hopes to be a grain of sand in the movement to "remove the vestiges of colonials and change the colonial pattern and mentality in every sphere."<sup>11</sup> In other words, this paper aims to exemplify the praxis of imagining and working towards a decolonial and liberatory world.

## THE COLONIALITY OF THE NATION-CITIZEN WORLD ORDER

The current world order ahistorically naturalises the social contract between citizens and nation. According to this social contract, governments of a nation-state guarantee physical safety, basic needs, rights and liberty in exchange for a citizen's allegiance.<sup>12</sup> The nation-state also supposedly represents its citizens and their interests on the international level. Additionally, the nation-citizen world order assumes a sedimentary relationship between a person and the nation where a person/citizen born within a place i.e. a nation, has patriotic and loving feelings towards it; they feel like they belong to it; they feel like it is home. This nation-citizen world order is rooted in colonialism/capitalism and continues to enact violence on historically marginalised and oppressed persons and communities through the presence and policing of metaphorical and physical borders.

In a perfect world, where all the articles of the UN Declaration of Human Rights were implemented, *perhaps* the nation-citizen world order would not perpetuate violence and inequality. In the world envisioned in the Declaration, nationality and nations are still present, but their legal and physical borders are more porous. I question the possibility for a liberatory future with national borders, knowing the violence they enact today. Perhaps the Declaration's vision is a world order where people are not subjects of nations, but citizens of the world? Regardless, the Declaration exists as an unfulfilled dream in the current/colonial nation-citizen world order.

<sup>11</sup> Ibid.

<sup>12</sup> Shacknove, A. (1985). Who is a Refugee? '95 Ethics pp. 281

Not just (any) body can be a citizen, as Jacqui Alexander explains how there are inhabitants who are not afforded the rights of citizens.<sup>13</sup> In the current/colonial nation-citizen world order, this has serious consequences because human rights<sup>14</sup> are recognized and delivered through a person's citizenship. The ascription of human rights through citizenship is an unreasonable and structurally violent construction considering certain groups continue to be excluded from the citizen-nation contract, and certain states (due to the historical plundering that occurred through colonialism and continues through neocolonialism) are unable to deliver on their side of the nation-citizen contract.

## **HISTORY OF THE NATION-CITIZEN CONTRACT IN TRINIDAD AND TOBAGO**

The nation-citizen system originally emerged in Europe alongside the birth of the capitalist economy, after the Thirty Years War (1618-1648) when the treaties of Westphalia (the Peace of Westphalia) introduced "territorial sovereignty" recognising certain rulers are representatives for inhabitants of a mapped space, and beginning to identify where people belong based on birthplace. The wealth acquired from tax collections under this system was then used to conquer and colonise other parts of the world.<sup>15</sup>

During colonisation, the non-European inhabitants of colonies were not seen as citizens or even full people in the case of enslaved Africans and indentured workers, and the colonies were owned and operated as storehouses or fields to support the mother colony. Hence, there was no need for proper self-governing infrastructure, beyond what was the bare minimum for the production of sugar and other goods to be sent back to the mother colony. This extended to all points of life, from not establishing presses or schools to the lack of substantial legal infrastructure. As Dr. Eric Williams states, "The Crown Colony system was based on sugar workers and needed only sugar workers. It did not need citizens. If Trinidad aspired to citizens instead of sugar workers, it necessarily had to achieve the destruction of the Crown Colony system."<sup>16</sup>

The colonised had to fight to even be considered worthy and intelligent enough to operate their own country. Even when the first Constitution was proposed by the Reform Committee in 1892, 400 years since colonisation started, state officials were severely limited to wealthy, property-owning men. Unwritten but explicit in the regulations of elected officials is the exclusion of women, those who did not own land, and lower-middle class people, who at that time only a few decades after Emancipation (1834-1838) included previously enslaved and indentured peoples, who comprised the majority of the population.

The election of the political party, the People's National Movement (PNM) with Dr. Eric Williams as Prime Minister, during Independence 1962 was a major gesture of how far the country had come. It was during this period when Dr. Williams envisioned a different kind of future for the peoples that came to inhabit the islands of Trinidad and Tobago. Around this time, Dr. Williams delivered a public lecture called "Massa Day Done" at Woodford Square which recognised the

<sup>13</sup> Alexander, M. Jacqui. "Not Just (Any) Body Can Be a Citizen: The Politics of Law, Sexuality and Postcoloniality in Trinidad and Tobago and the Bahamas." *Feminist Review*, no. 48, 1994, pp. 5–23. *JSTOR*, [www.jstor.org/stable/1395166](http://www.jstor.org/stable/1395166).

<sup>14</sup> I use the term 'human rights' in this paper as a place-holder. The term itself and its use has been critiqued by feminists. See Glossary for more details.

<sup>15</sup> Jones, Reece. *Violent Borders: Refugees and the Right to Move*. Verso, London and New York. 2016.

<sup>16</sup> Williams, *ibid*, 214.

colonial history and system that existed until independence (Massa Day) and outlined a decolonial future for the people of Trinidad and Tobago (Massa Day Done!). In contrast to colonial Massa, the PNM was constructed as “the army of liberation of Trinidad and the West Indies”<sup>17</sup>. The vision of “Massa Day Done!” is captured in the first and last sentences of the lecture,

We of the PNM, on the other hand (in contrast to Massa and his ‘stooges’) have been able to incorporate into our People’s National Movement people of all races and colours and from all walks of life, with the common bond of a national community dedicated to the pursuit of national ends without any special privilege being granted to race, colour, class, creed, national origin or previous conditions of servitude. . . You members of the PNM must understand once and for all that you misunderstand your Party and you do a great disservice to your national cause if you think that every white person or every Indian is anti-PNM or that every black person is pro-PNM. You shall know them not by their colour or their race but their fruit.<sup>18</sup>

Dr. Williams specifically tried to unite all inhabitants of Trinidad and Tobago in spite of the colonial “divide and conquer” tactics’ legacy between different race/ethnicities.<sup>19</sup> In doing so, he tried to decolonize the nation-citizen world order by trying to incorporate all people, specifically all people regardless of race, ethnicity, and national origin into the citizen-state social contract.

However, the process of decolonising the nation-citizen world order remains. Most notably, the Indo-Trinidadians pointed out an implicit bias in the multiculturalist national narrative in favour of Afro-Creole Trinbagonians, thus creating their own national narratives to push for recognition of their belonging and stake in the nation as productive citizens.<sup>20</sup> The “divide” and struggle between these two major sub-populations, Indo-Trinbagonians and Afro-Trinbagonians, over national rule and its symbolic inclusion to the nation-citizen contract, exists to this day, as is seen in the racially-divided political party constituencies. While Indocentric national narratives have made important space for Indo-Trinbagonians as citizens, these two narratives still leave out others from the nation-citizen contract. Intersections of racial/ethnic identity, such as mixed persons with Indo and Afro- heritage are one example of persons who are not represented in these divided narratives.<sup>21</sup> The perpetuation of these racial-political divides is itself imbued with coloniality, and ignores the “altered solidarities” between the two groups.<sup>22</sup> Over the years, there

<sup>17</sup> Williams, Eric. *Massa Day Done: Public Lecture at Woodford Square, 22 March 1961*. *Callaloo*, Vol 20, No 4, Eric Williams and the Postcolonial Caribbean: A Special Issue. Autumn 1997, pp 730. The John Hopkins University Press. Accessed 16 March 2019.

<sup>18</sup> *Ibid*, 724,730.

<sup>19</sup> The PNM was and still is a party of majority Afro-Trinidadians.

<sup>20</sup> Munasinghe, Viranjini. *Redefining the Nation: The East Indian Struggle for Inclusion in Trinidad*. *Journal of Asian American Studies*, Vol 4 No 1, February 2001. Pp 1-34. Johns Hopkins University Press. Accessed 2 March 2019. Project Muse. and Brereton, Bridget. “All ah we is Not One”: Historical and Ethnic Narratives in Pluralist Trinidad. *The Global South*, Vol 4, No 2 Fall 2010, pp 218-238. Indian University Press. Project Muse. Accessed 2 March 2019.

<sup>21</sup> Khan, Aisha. *Mixing Matters: Callaloo Nation Revisited*. *Callaloo*, Vol 30, No 1, Winter 2007, pp. 54 . John Hopkins University Press. Project Muse.

<sup>22</sup> J Brent Crosson. *Own People: Race, “Altered Solidarities,” and the Limits of Culture in Trinidad*. *Small Axe*, Vol 18, No 3, November 2014 (No 45), pp 18-34. Duke University Press. Project Muse.

have been other counter-narratives such as labour movement, feminist movement, and most recently the “LGBTQ” movement, which have demanded inclusion in the nation-citizen social contract. Despite its promising vision during Independence, the nation-citizen contract has continued to be overrun by coloniality. This is seen in the effect of excluding various groups of persons which is problematic due to the association between being a citizen and human rights. The nation-state world order was already imbued with colonial/capitalist intentions when brought to Trinidad and Tobago. Although it has been a somewhat successful tool in advocating for the sovereignty of the people of Trinidad and Tobago during self-governance and Independence, it is ultimately a tool for colonialism/capitalism in consistently excluding certain groups from access to human rights. In the words of Audre Lorde, the master’s tools “may allow us temporarily to beat (Massa) at his own game, but they will never enable us to bring about genuine change.”<sup>23</sup>

<sup>23</sup> Lorde, 19.

## ONE

### “SPANISH GYAL”: MIGRATION, SEX AND NEO-COLONIALISM

*“We now understand how systems of sex and gender operate at the juncture of the disciplining of the body and the control of the population.”* <sup>24</sup>

## PART I

### MAPPING THE PRESENCE AND EFFECTS OF “SPANISH GYAL”

In November 2016, women across the Caribbean shared their stories of sexual harassment through what became the viral hashtag #lifeinleggings. This grassroots movement called attention to the prevalence of sexual and gender-based violence (SGBV) in the everyday lives of women in the West Indies.<sup>25</sup> As Min-is-ter of Labour and Small En-ter-prise De-vel-op-ment Jen-nifer Bap-tiste-Primus noted in the announcement of the Na-tion-al Work-place Pol-i-cy on Sex-u-al Ha-rass-ment in Par-lia-ment, this treatment is extended to migrants, especially female migrants.<sup>26</sup>

In the words of a refugee subject participant, “*Es horrible. Es constante. Es a toda edad.*” which translates into “*It’s horrible. It’s constant. It’s at every age. (emphasis her own)*”. The subject participant gave an example of what Latinx refugee women and migrants like herself navigate on a daily basis in Trinidad and Tobago. One day, she was travelling in a maxi taxi, when she turned around to see what the vibrations coming from behind her were. They were coming from another passenger, a Trinidadian man, who was masturbating to her presence in the vehicle. Disgusted and surprised, she brought this to the attention of the driver, calling for the driver to remove him from the car, “¿Qué le pasa a este tipo? Bájalo, bájalo.” [What is wrong with this man? Get him out, get him out!]. However, the driver ignored her pleas. Before leaving the maxi taxi at the next stop, she told the masturbating man “Ahora, masturbate a él!”<sup>27</sup> referring to the man who was taking her place. The assailant was offended at the suggestion of homosexuality and immediately left the taxi. When asked why she thought Venezuelan women were so sexualised in Trinidad and Tobago, she responded with:

<p>Mira, no sé, porque en todas partes del mundo existe la prostitución. Tú vas a Venezuela, existe la prostitución. Pasas por aquí por el</p>	<p><i>Look, I don’t know, because prostitution exists in all parts of the world. You go to Venezuela, there is prostitution. You pass by the center</i></p>
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<sup>24</sup> Alexander, M. Jacqui. *Pedagogies of Crossing: Meditations on Feminism, Sexual Politics, Memory, and the Sacred*. Duke University Press, 2005. 23.

<sup>25</sup> Kebede, Rebekah. A #lifeinleggings: Caribbean women's movement fights sex assaults, harassment. Published March 10, 2017. Editing by Ellen Wulforst. The Thomson Reuters Foundation. Accessed 26 April 2019. <https://www.reuters.com/article/us-caribbean-women-rights/a-lifeinleggings-caribbean-womens-movement-fights-sex-assaults-harassment-idUSKBN16H1GW>

<sup>26</sup> Christopher, Peter. Sex Harassment Policy Laid in House. The Trinidad and Tobago Guardian. Published 8 March, 2019. Accessed 1 May, 2019. <http://www.guardian.co.tt/news/sex-harassment-policy-laid-in-house-6.2.797290.308b91479>

<sup>27</sup> In English, “*Masturbate to him, now!*”



centro a las 4 de la mañana, que me tocaba cuando iba a trabajar, y ves prostitutas locales. *Locales*, no de otros países. Tú vas para la República dominicana, y tú ves la prostitución. China, O sea, en todas partes. Pero no podemos generalizar. Hay personas que no estudiaron entonces se ponen a limpiar casas muy bien, no son prostitutas. El hecho que tú tienes un cuerpo no indique que tú seas prostituta y que explotas tu cuerpo. ¿Me entiendes? Y eso es, me parece una falta de respeto que yo, a mi edad, a mis 47 años, yo tenga que o no andar sola o estarme cuidando que me agarran o me van a decir cosas... ¿Por qué? No sé... yo pienso en Venezuela, ya a los casi 50, yo hubiera sido más tranquila. Pero aquí no ven tu edad; aquí ven que tú eres de habla hispana y te color blanco...ya eres prostituta. Es fuerte, de verdad es fuerte.

*here at 4 in the morning, which I did when I went to work, and you see local prostitutes. Local, not from other countries. You go to the Dominican Republic, and you see prostitution. I mean, in all parts [of the world]. But we cannot generalize. There are people who didn't go to school so they clean houses well, they aren't prostitutes. The fact that you have a body doesn't indicate that you are a prostitute and that your body is exploitable. Understand? And that is, I think, a lack of respect that I, at my 47 years of age, must go alone or not go alone, watching after myself [in case] they grab me or tell me things... why? I don't know... I think in Venezuela, almost at 50 years old, I would have been much more calm. But here, they don't see your age; here, they see you are Spanish-speaking and the colour white, they label you... a prostitute. It's disturbing, it really is disturbing.*

Other refugee subject participants echoed similar sentiments about sexual harassment, with another adding:

Se te hace sentir muy bajo. La autoestima se te lo pone por el piso porque sientes que estás en una parte donde solamente te ven como un objeto, como un objeto de satisfacción para ellos. No es gratificante, a mí no me gusta. No me gusta, pero tengo que vivir con esto.

*It makes me feel very low. It puts your self-esteem to the floor because you feel like you are where they only see you as an object, like an object of satisfaction for them. It's not gratifying, I don't like it.*

I argue that the sexual harassment targeted to Latinx women in Trinidad and Tobago stems from the imaginary figure of what I call, the “Spanish Gyal”, which has been raised in national consciousness due to the influx of Venezuelan refugees. As one of the subject participants alluded to, Latinx women, more specifically Spanish-speaking and light-skinned women, are associated with sex workers and hyper-sexualised in Trinidad and Tobago. While there is a long history of migrant Latinx sex workers in the Caribbean, as well as a colonial association with lighter skin as more attractive, the current sexualised exertion of power and control over Latinx women in Trinidad and Tobago cannot merely be attested to this. This heterosexist, xenophobic, racist imaginary is a colonial/capitalist tool that dehumanises refugees, undocumented migrants, and sex workers. The “Spanish Gyal” imaginary operates through hegemonic discourse and hypocritical practices that are used in conjunction with the Sexual Offenses Act, the Trafficking in Persons Act, and the Immigration Act, to criminalise these populations and violate their rights, while marginalising them into the informal economy where they become an exploited labour source

## WHAT IS THE “SPANISH GYAL?”

Like other racialised/gendered/xenophobic “others” the “Spanish Gyal” is an imaginative construction that distorts facts or parts of facts into a figure grotesquely mis-resembling the context it was drawn from and the people who it is applied to. That being said, the “Spanish Gyal” is a hypersexualised other: she is a Spanish-speaking woman from Latin America, usually Colombian or Venezuelan; she wears tight clothes; has large (sometimes enlarged) breasts and buttocks; has light skin and straight hair; she is a “prostitute”; she is a “man stealer”; she is always sexually available and promiscuous.

Following M. Jacqui Alexander’s reasoning for why the person with HIV/AIDS, the “prostitute”, and the LGBTQ person are construed as non-citizen<sup>28</sup>, the “Spanish Gyal” is not only a non-citizen who carries the stigma of migrant, but is also a sex worker. In this logic therefore, she “threatens” the reproductivity of the ideal citizen, both by reproducing more non-citizens, and by “stealing” the male citizens either as clients who engage in non-reproductive sex or as husbands/doorways into the nation. Regardless, the “Spanish Gyal” fits into the common thread of non-citizens who “contaminate” the social/national body.

## THE CONTEMPORARY “SPANISH GYAL”

The presence of “Spanish” women in Trinidad and Tobago and their hypersexualisation occurred long before the recent increase of Venezuelan refugees. Spain was the first coloniser of what came to be called Trinidad and Tobago in 1498, so Spanish-speakers have been present in the islands since then. Over the eighteenth and nineteenth centuries, elite and working-class Spanish-speakers migrated to Trinidad from Venezuela, some of these even being political refugees. “Spanish” as a racial/ethnic identifier in Trinidad and Tobago has changed from referring to a white, European, coloniser to a mixed person with Latin American heritage. However, as Khan demonstrates through his genealogical study of the term “Spanish”, racial/ethnic identities constantly change in meaning based on each individual and the socio-historical context.<sup>29</sup> In the contemporary context, where large numbers of Venezuelan refugees are coming to Trinidad and Tobago, I believe the term has once again shifted in its meaning.

The “Spanish Gyal” imaginary is increasingly appearing in a range of different communication mediums due to the influx of Venezuelan refugees. The “Spanish Gyal” imaginary has found its way into the embodied experience of Latinx immigrants, through the enforcement of restrictive legislation, negative sensationalisation by the press, sexualisation in social media and popular music. The “Spanish Gyal” is a hegemonic colonial/capitalist project which is prevalent throughout the public and government of Trinidad and Tobago. The portrayals of the “Spanish Gyal” will be cited and analyzed in conjunction with the country’s legislation and official governmental practises in the following section.

<sup>28</sup> Alexander, M. Jacqui. *Pedagogies of Crossing: Meditations on Feminism, Sexual Politics, Memory, and the Sacred*. Duke University Press, 2005. Alexander, M. Jacqui. “Not Just (Any) Body Can Be a Citizen: The Politics of Law, Sexuality and Postcoloniality in Trinidad and Tobago and the Bahamas.” *Feminist Review*, no. 48, 1994, pp. 5–23. *JSTOR*, [www.jstor.org/stable/1395166](http://www.jstor.org/stable/1395166).

<sup>29</sup> Passim, Khan, Aisa. What is a “Spanish”? Ambiguity and ‘Mixed’ Ethnicity in Trinidad. 180–207. *Trinidad Ethnicity*. Edited by Kelvin A. Yelvington. University of Tennessee Press. Knoxville. 1993.

In a country where a large portion of the population read the newspapers regularly<sup>30</sup>, the presence of the “Spanish Gyal” imaginary, and in general negativity towards migrants who are refugees, is alarming. One of the subject participants discusses the role of the media in Trinbagonian’s xenophobia:

Three Venezuelans last week went into a grocery and held up the attendant at gunpoint to steal some food or something like that. They held them at gunpoint, put them on the floor and took what they need to take and left. The media obviously, (put this story on the) front page. There’s very few who will commit a crime like that and make it very bad for the entire country. And you will have the entire country now hating on them like “If I see them this is what I’ll do: I will kill them. Call the police on them.” And a lot of people call the police too. To be honest with you, until I started engaging with them (I didn’t) realise that they’re here cause they have nowhere else to go and all they want is to have a voice, and to work and to send back money. So the media is creating a lot of xenophobia. And they’re not reporting any good things about them at all.

The above quote emphasizes on the media’s role in sensationalizing certain stories, without delving into the context or complexities of the persons involved. Consequently, misconceptions and stereotypes are created that fuel xenophobic thinking and violence. On the other hand, this subject participant highlights how the media could counteract xenophobia including engaging in dialogue with migrants to educate the public on what brings them to Trinidad and Tobago. There are a few nuanced or supportive articles of refugees and migrants, however, the vast majority of reported material paint a picture that reinforce the “Spanish Gyal” imaginary. An example of the limited subject material of news articles about Latinx migrant women is the large number of reports on brothel raids that highlight the presence of Latin American women in brothels, legitimising the narrative of immorality with criminality.

Social media is another site where the “Spanish Gyal” imaginary is (re)produced in national consciousness. One Trinidadian artist that (re)produces this “Spanish Gyal” imaginary in national consciousness is “digital entertainer” Rodell Rod’ey Cumberbatch, who produces short videos of characters which he writes and plays himself. He uploaded a video on Instagram with the description, “YOU WANT TO ROLE PLAY?”<sup>31</sup> with hashtags such as “#roleplay #papi #senorita #maria #venezuelan #spanish #police #illegal #handcuffs #bondage #steal #thief #womenthatsteal” on October 28, 2018.<sup>32</sup> The video shows a Spanish-speaking woman seducing a Trinidadian man while making sexually suggestive faces, then undressing herself and presenting handcuffs. At the presentation of the handcuffs, the man in the video remarks, “Oh, You want dat kinda lockup police vibes, like ah could be de corporeal and how you illegal nah boy.” She proceeds to lock him up, and he comments “But watch nah- I not supposed to be de police- ah not complain.” She then leaves him locked up as she steals his wallet and watch, and departs from the

<sup>30</sup> Caribbean Journalism’s Media Economy: Advancing Democracy and the Common Good? Juliette Storr. Penn State University, Monaca PA, International Communication Gazette, 2014. Vol 76 (2) 177-196. Sage.

<sup>31</sup> Cumberbatch, Rodell. “YOU WANT TO ROLE PLAY?” *Instagram*, 28 October 2018 [www.instagram.com/p/Bpd7A5JgasR/](https://www.instagram.com/p/Bpd7A5JgasR/). Accessed 5 May 2019.

<sup>32</sup> On the social media platform Instagram, hashtags “#” describe the main themes within a post, thus building a database of related thematic content, and allowing users to engage in conversation beyond their followers.

house. Hearing the opening and closing of cupboards and doors, the man calls out, “SEÑORITA! . . .(under his breath)Was she name again?. . . MARIA!” Throughout the video, the woman only says the word “Papi”. On 5 May, 2019 the video had over 32K views on Instagram and 31K on Facebook<sup>33</sup>. The allusion to the police harassment and threat of detention and deportation, which Venezuelan refugees fear constantly is particularly disturbing. The fact that this real threat is expressed through the suggestion of the sexual practice of role playing, reflects the ways that violence is enacted through sexualised fantasies and sexual violence.

The artist released another video on 18 April of this year titled, “Wetty has a Spanish woman?,”<sup>34</sup> which accrued over 4000 views in one day. In this video, the character couple Pinky and Wetty have an argument when Pinky thinks she hears Wetty speaking Spanish to a Venezuelan woman on his phone in the bathroom. Pinky confronts him and he explains how she misheard him, eventually letting his male friend speak over loud speaker to confirm that he is not cheating on her with a “Venezuelan”. Both of these videos reproduce the “Spanish Gyal”: the first in its portrayal of a Spanish-speaking woman who is “illegal” and steals the man’s things; the second in the Venezuelan woman “stealing” a Trinbagonian woman’s male partner. In both videos, the “Spanish Gyal” does not speak, and uses her body/sexuality to steal valuables or male partners, supposedly for socio-economic benefits like financial support and citizenship.

Due to the large audience of soca-music listeners, the next example of “Spanish Gyal” being constructed in national consciousness has the widest geographical impact. In the months leading up to Carnival 2019, commonly known as Carnival Season, the soca songs produced in the last year are played at fetes, and over radios in Trinidad and Tobago continuously. Additionally, the Caribbean diaspora and other islands in the Caribbean also tune in to the latest soca releases. Consequently, anyone who lived in Trinidad and Tobago in the period December 2018 to March 2019, and much of the diaspora and Caribbean region, probably listened to the hit song “No Habla” by Erphaan Alves. With over 5 million views on YouTube as of 20 April 2019, its audience far surpasses the 1.3 million population of Trinidad and Tobago<sup>35</sup>. The first stanza of the song starts off with Alves singing:

¿Cómo te llamas?  
 Senorita oh  
 Bienvenida Trinidad y Tobago  
 Unfortunately that's all the Spanish that I know  
 But I wanna hold ya hold ya hold ya hold ya  
 Gyal ah wanna hold ya hold ya hold ya hold ya  
 . . .  
 I shoulda pay more attention in Spanish class  
 Because me would've like to describe the way yuh shake yuh hmmm!

The song was well received, with even Venezuelan women positively commenting on the YouTube stream. In an interview for LoopTT, Alves confesses that “This No Habla song is a

<sup>33</sup> Cumberbatch, Rodell. “YOU WANT TO ROLE PLAY?” *Facebook*, 27 October 2018. [www.facebook.com/Rodeytnt/videos/308414863305459/](http://www.facebook.com/Rodeytnt/videos/308414863305459/). Accessed 5 May 2019.

<sup>34</sup> Cumberbatch, Rodell. “WETTTY HAS A SPANISH WOMAN?” *Facebook*, 18 April 2019. [www.facebook.com/Rodeytnt/videos/432180250686091/](http://www.facebook.com/Rodeytnt/videos/432180250686091/) Accessed 5 May 2019.

<sup>35</sup> JulianspromosTV | 2019 Music. “Erphaan Alves - No Habla (Hold Ya) "2019 Soca" (Official Audio).” *YouTube*, 27 May 2018, [www.youtube.com/watch?v=ftgnN8-u3AE](http://www.youtube.com/watch?v=ftgnN8-u3AE).

timestamp and years and years from now, it will be remembered when Erphaan sang that song, a lot of Venezuelans were coming into Trinidad and Tobago.”<sup>36</sup> Even though “Spanish” women have been sexualised through music in Trinidad and Tobago before<sup>37</sup>, this song is a special timestamp for the “Spanish Gyal” because it (re)produces the “Spanish Gyal” imaginary in the national consciousness at this specific time of Venezuelan refugees arriving in Trinidad and Tobago. While the lyrics sexualise Spanish-speaking women not more than other soca songs directed towards Trinbagonian woman, Alves is right that this song, already reaching over 5 million viewers, as a reflection of male Trinbagonians attitudes towards Spanish-speaking woman at a time when there are more Spanish-speaking women in Trinidad than before, was released at an opportune time. The title of the song actually translates to “She doesn’t speak” rather than “I don’t speak.” Either Alves’ Spanish was so poor that he forgot “No Hablo” or he is referring to the “Spanish Gyal” as not speaking any English, but the only lyric that mentions this is “No habla habla no speech/ but man versatile inna body language.” Like the newspapers, and Rod’ey’s videos, the Spanish-speaking woman has no voice and no story- existing only as an object of desire of Trinbagonian men.

These three locations of the “Spanish Gyal”, newspaper, entertainment/social media, and soca music, collectively reach a wide and diverse audience. In the newspaper, Spanish-speaking women are arrested as sex workers in brothel raids; in Rod’ey’s videos on social media, they are women who use their sexuality to steal possessions or men (who are constructed as the possession of their Trinbagonian women partners); and in the “No Habla” soca song, as a sexual object who cannot speak. Even without malintent, these producers perpetuate the “Spanish Gyal” imaginary which has serious negative effects for Latinx refugee women, as well as undocumented migrants and sex workers.

### **“SPANISH GYAL” IN THE EVERYDAY LIVES OF REFUGEES**

There are real effects of the “Spanish Gyal” myth on Latinx women, many of whom are refugees, and some of whom are migrant sex workers, and some who are trafficked. Their work being “illegal”, both migrant sex workers from Latin America and migrants from Latin America are exploited, policed, and detained. It perpetuates racist beauty standards, such as anti-black sentiments. It denies refugees their rights. It serves capitalism through the designation of informal economies where labour is exploited.

In talking about the way HIV/AIDS stigma and the “Spanish Gyal” combo work when a refugee goes to get tested, a subject participant said:

Because when it is you see, let's be honest- a Spanish-speaker- cause the majority of (health professionals) they look at them and think “Venezuelan”, and of course (Spanish-speakers) come from a wide range of countries right- and (health professionals) naturally think “oh you want to get tested?, oh you’re a prostitute, a sex worker, a this--” you know? They

<sup>36</sup> Dowrich-Phillips, Laura. “Watch: My Release - Erphaan taps into Spanish market with blazing love.” LOOP. 4 DECEMBER 2018. [www.looptt.com/content/watch-my-release-erphaan-taps-spanish-market-blazing-love](http://www.looptt.com/content/watch-my-release-erphaan-taps-spanish-market-blazing-love)

<sup>37</sup> Spencer, Edward. “Baron - Spanish Woman.” *YouTube*, YouTube, 13 Nov. 2012, [www.youtube.com/watch?v=JKscQaMAObA](http://www.youtube.com/watch?v=JKscQaMAObA). Cristobal, Pedro. “Ataklan - Spanish Fly.” *YouTube*, YouTube, 6 Jan. 2010, [www.youtube.com/watch?v=wbSLTRH-CtM](http://www.youtube.com/watch?v=wbSLTRH-CtM).

have all these negative connotations for these people who are just humans who are trying to live their life the best they can.

The criminalization of sex workers and refugees contributes to an unsafe reporting environment because survivors of sexual and gender based violence are too intimidated to report to police. Refugee subject participants related that refugees or undocumented migrants who attempt to report crimes were questioned about their citizenship/immigration status. Consequently, entering the country “illegally” is treated as a crime more serious than sexual and gender based violence.

## **CONTROL THROUGH ASSOCIATION WITH SEX WORK**

Discriminatory legislation and attitudes towards migrants and sex workers have a long colonial history in Trinidad and Tobago. Migrations were frequently a direct project by the colonial government to supply an exploitable labour population, and racist, xenophobic policies and social systems were implemented to divide the various subordinated labour groups, and thus maintain the power of the colonial elites. Working under the cloak of a “moral” and religious perspective, colonisers used legislation, education, and religion to force or persistently coerce the colonised population to internalise sexual and gender norms written by the colonial government. Although met with continuing resistance and thus not entirely successful, the current sex/gender/sexuality system still has clear ties to colonialism/capitalism. Sex work been criminalised and sex workers have been targeted by the colonial leadership and Trinidad and Tobago government for centuries, under the guise of moral concern. Controlling sex workers through anti-sex work legislation, policing, and social stigma was more associated with controlling labour than anything else.

Ordinance 12, proposed in 1838 and passed one month after emancipation, is a clear example of the true colonial/capitalist purpose of anti-sexwork laws in Trinidad and Tobago. Under Ordinance 12 it was proposed that “idle and disorderly” persons be prosecuted, the definition of which included sex workers and was so broad and vague that only those working on a plantation would be exempt (Trotman 208). Historian David Trotman continues, “not only was the net wide enough to cover every conceivable action that suggested alternative means of support, but the other measures in the ordinance were equally draconian: the burden of proof lay on the accused; the effects found on vagrants were to be sold and applied towards expense; and it was lawful to make citizen’s arrests under the provisions of the ordinance (209).” Although the Colonial Office<sup>38</sup> disallowed this ordinance, the “antilabor spirit prevailed” mainly due to “the need of the plantation economy to be always in complete control of all labor (Ibid).” This anti-vagrancy campaign continued until indentured labour was brought in to ease the demand for an ‘exploitable’ labour source. The ties between migration and criminalised labour for capitalist exploitation are further exemplified in the 1854 Immigration Ordinance, which prosecuted Indian indentured workers that left the plantations they were contracted to work at without a pass to do so (Ibid 210). Throughout the 1800s, sex workers and others continued to be policed under the guise of health concerns for sex workers and society at large, as well as moral concern of the supposed number of young women doing sex work. Women were particular targets under the Contagious Diseases Ordinance 1869(Ibid 212). Under this Ordinance, police officials hassled working class women with allegations of sex work, many of whom were not able to refute the

<sup>38</sup> Since this was during colonisation and before self-government, this was the term used to describe the local/colonial ‘governing’ body.

claims as proving sexual purity (the standard to not be a sex worker) was virtually impossible in court. The Ordinance, which was only enforced irregularly before being disallowed, required convicted women to register and report regularly. Through these examples of persecution of sex work, we are able to identify “crime” as a hegemonic, social construction used by colonial powers to physically police dehumanised populations for their labour.

Currently, sex work, and a range of activities and persons associated with it, is criminalised under the 1921 Summary Offenses Act and the 1986 Sexual Offenses Act in Trinidad and Tobago, including charges for sex workers associating with each other and non-sex workers benefiting from sex work, including their dependents.<sup>39</sup> These anti-sex work laws, in conjunction with other Trinbagonian laws that criminalise sex workers and “undesirable inhabitants and visitors,” create a perfect storm of morality/criminality discourse and legal justification to violently persecute a range of persons who fall under these categories. For example, while the 2011 Trafficking in Persons Act criminalises “exploitation of the prostitution of others” rather than sex work itself, it is used to police and persecute sex workers, specifically those who are migrants from Latin America.<sup>40</sup> Another legislation of Trinidad and Tobago which does this is the Immigration Act, supported by the Constitution of Trinidad and Tobago, which provide extremely limited options for becoming a citizen and few options for other inhabitants and visitors. Most notably, refugees are not recognised under the Immigration Act. In fact, if they enter “illegally” or overstay their visas, they are criminals in the eyes of the Immigration Act. These laws are the backbone of the “Spanish Gyal”, and the unjust policing and legalised discrimination that persons face through them. The effects of these legal documents and practices continue the project of colonialism/neocolonialism by controlling and exploiting labour through racialised/xenophobic/heterosexist terms.

<sup>39</sup> Laws of Trinidad and Tobago. Ministry of The Attorney General and Legal Affairs. Chap 11:02.53, 57, 59. Summary Offenses. [www.legalaffairs.gov.tt](http://www.legalaffairs.gov.tt) p.32- 34. ‘Prostitutes’ are defined as “any woman loitering about and soliciting passers-by for the purpose of prostitution.” Female-gendered language is rare. p.30

<sup>40</sup> Laws of Trinidad and Tobago. Ministry of The Attorney General and Legal Affairs. Chap 12:10. Trafficking in Persons Act. [rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/12.10.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/12.10.pdf)



## **PART II**

### **HOLLOW CONCERNS: POLICING THROUGH ANTI-TRAFFICKING DISCOURSE AND PRACTISE**

Although trafficking has been a global concern since the mid-nineteenth century, it was popularised/sensationalised from the beginning of the twenty-first century (Kempadoo, *Moral Panic* vii). The globalised discourses and approaches to trafficking work under the guise of “women’s/children’s rights and projections” are furthered by the USA and international organisations like the International Organisation for Migration (IOM) to exert neoimperial control, biopower, and capitalist needs. In this way women’s and children’s sexuality are used as grounds to further global hegemony while pushing sex workers and undocumented migrants further into the margins, where violence, corruption and lack of accountability are rampant (Kempadoo *War*).

### **HISTORY OF HUMAN TRAFFICKING DISCOURSE**

The Global North concern for trafficking is traced back to mass migrations in the nineteenth century when post-emancipation and the globalisation of wage labour and capitalism prompted mass migrations of impoverished and working class peoples to relocate for labour as bonded and indentured labourers. Without the physical control of labour populations, biopower manifested in concerns about these migrants “deviant” or “excessive” sexuality and immorality in gendered and racialised terms. Additionally, racialised panic about the “White Slave Trade” imagined a “barbaric, uncivilised, non-Western Other who brutalised and violated white women” through trafficking.<sup>41</sup> Thus, the unfounded racist fears embodied in the “White Slave Trade” were an extension of white masculinity which is constructed by its ability to protect virtuous, fragile white women from a racialised/hypersexual male other. In the early twentieth century, this Trafficking/Anti-White Slave Trade movement was spearheaded by the United Nations and supported by Global North feminist reformists with a white saviour complex, and is still echoed by conservative Christian political agendas and ideologies today. The World Wars took the attention away from trafficking but it resurfaced afterwards in the 1949 United Nations Convention for the Suppression of Traffick in Persons and the Exploitation of Prostitution of Others. In the 1970s, Global North feminists concern about the connection between US militarism and the sex industry boom in Southeast Asia after the Vietnam War. In the next decade, this take on trafficking by an international women’s movement saw prostitution as “inherently violent and abusive to women” who were “deceived victims” of men, until Third World transnational feminist voices articulated another perspective that foregrounded grassroots Global South women’s and minorities experiences and perspectives. In 1996, UN Special Rapporteur on Violence Against Women, Radhika Coomaraswamy, prompted a major shift in the understanding of trafficking in her report following global research on trafficking. Most notably, the equation of trafficking with “prostitution” was broken, as many other forms of trafficking were identified and “prostitution” was redefined/recognised as work. In the twenty-first century, the 1949 UN Convention on trafficking was replaced by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Woman and Children during the UN International Convention Against Transnational Organised *Crime* in 2000, effective 2003 (emphasis my own). While this UN Protocol does not criminalise sex work but rather the “exploitation of the prostitution of others,”

<sup>41</sup> Kempadoo, *Moral Panic to Global Justice*, x.



it is still flawed in that it conceives of trafficking as an international crime where border control and policing becomes a method for addressing it, it allows for neoliberalism to continue to exploit global impoverished people, it perpetuates Global North-Global South racialised, xenophobic inequalities, it does not offer enough protections for “victims”- but most importantly, it does not address the root causes of trafficking.<sup>42</sup>

What the history of human trafficking discourse exposes is its colonial/neocolonial/neoperperial roots and intentions. Founded on racist, colonial fears, supported by white feminists, and rearticulated as an international crime akin to drug trafficking and terrorism<sup>43</sup>, what remains consistent through trafficking discourse is the assertion of racist, xenophobic, heterosexist control by Global North governments and correlated international organisations over impoverished, working class people in/from the Global South to ultimately serve transnational labour demands and capitalism.

### **POLICING MIGRANT/SEX WORKER/ LATINX WOMEN BODIES**

Instead of genuine concern and effective policies for trafficked persons and vulnerable populations, Global North and Caribbean governments use discourse and practices (under the guise of “concern”) to play out geopolitical power struggles and exert neocolonial, capitalist control over labour. The neoimperialism of hegemonic human trafficking discourse is revealed in the Trafficking in Persons Reports of Trinidad and Tobago 2009-2018. These are annual reports that make up the global Trafficking in Persons Report written by the US Department of State, covering a general description of trafficking in each country, including descriptions of “prosecution, protection, and prevention,” and recommendations for future anti-trafficking policies. Based on these reports, governments are ranked from Tier 1 (fully compliant with US Trafficking Victims Protection Act 2000), through Tier 2, Tier 2 Watchlist, and Tier 3 (non-compliant and not working on it). The global TIP Reports were conceived by the George Bush administration in their ‘war on trafficking’ campaign. The reports unjustifiably label certain “rogue” countries as “sanctionable” under Tier 3. These countries most often being not those which have the highest rates of human trafficking or least anti-trafficking policies but those which explicitly oppose US imperialism, or majority Arab/Muslim population countries falling into Tier 3.<sup>44</sup> In these reports Trinidad and Tobago is ranked fairly consistently as Tier 2 (sometimes as Tier 2 Watchlist). The significant efforts that the government has made to comply to this US Act are visible through these reports, as are the power dynamics between the US and Trinidad and Tobago, and the intertwined persecution of sex work, migrant labour, and trafficking under the guise of protecting human rights.<sup>45</sup>

The TIP Reports are rife with problematic aspects to unpack that resonate with key features of the international anti-trafficking campaign explained above, both in content and discourse. Firstly, in reports, the terms “prostitute”, “sex worker” or “survivor” are never used- instead

<sup>42</sup> Passim. Ibid, Kempadoo, Moral Panic to Global Justice,

<sup>43</sup> Ibid, Kempadoo, Moral Panic to Global Justice, vii.

<sup>44</sup> Ibid, Kempadoo, Moral Panic to Global Justice, Xxi. Kempadoo, War, 80.

<sup>45</sup> Content analysis from annual Trafficking in Persons Reports (TIP) on Trinidad and Tobago by the United States Department of State 2009 through 2018.

“victim” “identified victim” and “unidentified victim” are used to describe people, whether they have been identified as trafficked or not. Similarly, the conflation of “foreign women” as “victims” and women from Latin America occurs often. In this way, the reports make clear that sex workers and people who are trafficked are “victims” that need saving, both from their trafficking situation and from their “morally degrading” circumstances in the sex industry. It also constructs the image of the Latinx sex worker as the target of the anti-trafficking policy. Furthermore, this language erases the agency of migrant women as sex workers and/or as survivors of trafficking. Consequently, the TIP reports contribute to the creation of the “Spanish Gyal” imaginary which identifies and compounds Latinx women, sex workers, and migrants.

The second and most revealing feature of the TIP Reports is the treatment of migrants/sex workers/Latinx women. Operating under the 2011 TIP Act, Immigration and police officers, with the encouragement of the IOM and US Department of State, conduct regular brothel raids, in locations where they know they will find Latinx migrant sex workers/trafficking victims.<sup>46</sup> While other forms of trafficking are mentioned briefly, including labour trafficking of Guyanese and Chinese people in the construction sector, trafficking of domestic workers, and trafficking of Trinbagonians to other countries, no or few prosecution/protection/prevention strategies are employed by the Trinidad and Tobago government or suggested by the US government. This is consistent with scholars observations there is an unfounded “striking discord”<sup>47</sup> between which trafficking cases are elicit concern/panic, those dealing with sex trafficking, and which ones are barely mentioned (Nixon Sex/Trade/Work 88). Latin American female migrant sex workers, especially from Columbia and Venezuela, receive incredible attention in US TIP reports, other US and international organisation reports, and the government of Trinidad and Tobago and security forces. The anti-trafficking trainings over the past two decades to authorities, especially in police and immigration divisions build on the equating of trafficking victims to Latin American migrant female sex workers, is exemplifies this as they encourage and establish “procedures to guide all front-line officials in the identification and referral of potential victims, especially among foreign women in prostitution, migrant workers, and children (TIP 2015).”

However, these “concerns” for “sex trafficked victims” are hollow. Migrant sex workers and other workers in the informal/undocumented sectors are *more* vulnerable to exploitation and thus trafficking, when navigating the xenophobic/heterosexist effects of human trafficking discourse in Trinidad and Tobago, namely the general (mis)conceptions about sex workers, policing of sex workers/ migrants, and no legal accountability for working conditions or protection from clients. The deliberate persecution of this “trafficking victim” figure is not about preventing trafficking, it's not about “saving” these women- as demonstrated by the routine detentions,

<sup>46</sup> Law enforcement and the IOM work closely together to police bodies, with the IOM even participating in brothel raids in “brothels where foreign women engage in prostitution, thus addressing demand for commercial sex acts by arresting and prosecuting “clients”” (2009 TIP). This mimics Kempadoo’s observation, “Caribbean scrutiny on the issues of human trafficking has increased since 2004 and is supported by the International Organisation for Migration (IOM), which has funded several research projects ad meetings and helped to push the issue on to Caribbean public and state agendas. (War, 80)”

<sup>47</sup> Nixon notes that cases of trafficking for domestic worker are much higher than sex trafficking cases in the Caribbean, yet those receive little to no attention or support.

deportations, failure to convict traffickers, and lack of services to “identified and unidentified victims”- it is about sending a message about labour and migration through the policing of the migrant sex worker woman’s body.

The final feature of the TIP Reports that is important to point out is the increasing number government positions and units for anti-trafficking work and the unaccountable budgeting for the counter-trafficking unit, which TIP report authors suspiciously never question. Although the budget allocated for anti-trafficking work is infrequent year to year, the claims from NGOs of funding is not trickling through to “victims” is a cause for alarm. What are millions of TT Dollars being spent on if not services for the few dozen “identified victims”? The money is either going into corrupt government officials pockets, or being blown off on trainings and other non-protection anti-trafficking work. The unaccountable use of anti-trafficking funds and the consistent call for more financial support to identified trafficking victims reflects the overall approach of using moral concern for trafficking victims as a front to conduct legalised terrorism on migrant Latinx sex worker women.

The hypocritical effects of the TIP Reports’ discourse and practices on the very population they are supposedly trying to “protect” or “save” exposes the neocolonial construction of the “Spanish Gyal”. This imaginary is both constructed through the reports and their subsequent policies, such as the Trafficking in Persons Act in 2011, and used to fill in the more ambiguous terminology to apply to female migrant Latinx sex workers, or anyone that appears to be one. The violent policing which is directed under these laws and reports further marginalises populations which already face structural discrimination and economic exploitation, that being sex workers, undocumented migrants, and refugees. Thus, the “moral” and “criminal” arguments of anti-trafficking policies and practises dehumanise Latinx women/sex workers/migrants and contribute to colonial/capitalist project of making them an “exploitable” labour force.

### **PART III**

#### **SEX, TOURISTS, AND PROFIT: THE HYPOCRISY OF TOURISM**

If the contradictory effects of anti-trafficking legislation are unclear that policing sex workers/migrants/Latinx women is not driven by a moral or criminal concern, the hypocrisy of the Trinidad and Tobago state's approach to tourism will certainly do so. The state's "moral" stance against sex work is undermined in comparison to its sexualised tourism marketing and silence on sex tourism. The contradictory treatment of tourists in comparison to refugees further reveals the coloniality of the tourism industry.

#### **PARADISE IS BEGGING FOR *YOU* TO COLONISE *her*.**

Caribbean tourism capitalises on the colonial fantasy of discovery and sexualised availability of the feminised natural beauty and culture for the consumption of the tourist, the modern day massa. Trinidad and Tobago is sexualised both as "virgin paradise" and hypersexual other. Carnival's rich history of anti-colonial resistance including traditional mas characters is not reflected in the marketing of "pretty mas." Tourists are invited to partake in "the biggest street party on Earth,"<sup>48</sup> emphasising the availability of attractive women, and a general atmosphere of "wotlessness"<sup>49</sup>. On the other hand, the Tobago Tourism Agency Ltd. (TTAL) operating under the main governmental Tobagonian body: the Tobago House of Assembly, recently launched a tourism campaign. To be blunt, the new marketing approach sells the island as a colonial wet-dream, "Where unspoilt traditions, untouched natural beauty and undiscovered gems merge to create the idyllic Caribbean escape."<sup>50</sup> The so-called "three pillars" of Tobago's new brand are "unspoilt, untouched, undiscovered" which are reflected in the "brand story, the creative and the messaging."<sup>51</sup> The brand story states:

Everything that you've ever dreamed about the Caribbean can be found in idyllic Tobago – a warm welcome from friendly locals going the extra mile to make you feel truly at home, secluded white sand beaches lazily lapped by sky blue oceans, the distant sound of music drifting on a warm tropical breeze, breathtaking natural beauty and striking wildlife. Tobago is the unspoilt, untouched Caribbean island where the undiscovered waits around every corner. What may surprise you more, are the 101 unforgettable activities, authentic experiences and thrilling adventures that take you beyond ordinary. So, what are you waiting for – explore the extraordinary. Tobago beyond.

<sup>48</sup> Trinidad & Tobago Tourism Development Company Ltd. CARNIVAL IN TRINIDAD: CELEBRATE THE CARIBBEAN WAY A BLAZE OF COLOUR, COSTUME ART AND A GREAT PARADE - THE HIGHLIGHTS. [https://www.gotrinidadandtobago.com/trinidad-and-tobago/carnival-in-trinidad.html\\_wishlist=9.html](https://www.gotrinidadandtobago.com/trinidad-and-tobago/carnival-in-trinidad.html_wishlist=9.html).

<sup>49</sup> Wotlessness is the attitude of enjoying oneself without care for what others think. It is often invoked to refer to 'getting on bad' at parties, including dancing with other people's partners sexually and getting drunk.

<sup>50</sup> Tobago Tourism Agency Limited. "Home." *Tobago Beyond*, [www.visittobago.gov.tt/](http://www.visittobago.gov.tt/). Accessed 16 April 2019

<sup>51</sup> Tobago Tourism Agency Limited. "About Tobago Tourism." *Tobago Beyond*, [www.visittobago.gov.tt/about-tobago-tourism](http://www.visittobago.gov.tt/about-tobago-tourism). Accessed 16 April 2019.

The TTAL literally plays into the fantasy created by tropicalisation: “locals” who are excited to *serve* the tourist and make them feel that this island is now *their* home, the beaches and wind literally run on “island-time”, the word “tropical” is used (a word foreign to a West Indian discourse). What’s more, the repetition of the prefix “un” highlights the virginity of the island, which has been occupied long before Columbus ever *re-*“discovered” it. Finally, Tobago is not just an but *the* (most) unspoilt/untouched/undiscovered feminised body of land in the Caribbean, which is now being offered to the tourist to spoil/touch/discover, in a perpetual myth of discovery.

As promised, the aesthetic mirrors the brand which is seen in the home page of Tobago’s official tourism website (see image below). The background image is the outline of a person who has free-formed locks/afro, where within the outline of their body, there is a picture of a waterfall in the rainforest. The first image a visitor to this website sees is a local/native/person of African descent as the wild, untamed island begging to be colonised. The image speaks not only to the sexualisation of Caribbean islands for tourism/colonisation, but also of the sexualisation and exotification of black bodies, and blackness in general, through this colonial lens.

In tourism marketing, Trinidad and Tobago does not shy away from selling the country, culture and people in a sexual way. It is hypocritical of the government to not only criminalise but also violently police sex workers, who most often chose an informal and fairly profitable labour to meet their individual or their families’ economic needs. Commercialising the country, an island, culture, and a people as a brand continues the colonial idea that the Caribbean is there for the Global North to consume. It furthers international economic dependency, rather than the sovereignty and economic sustainability of Trinidad and Tobago. Additionally, it disturbingly parallels social relationships once justified through enslavement and now expected under customer care and serviceability.

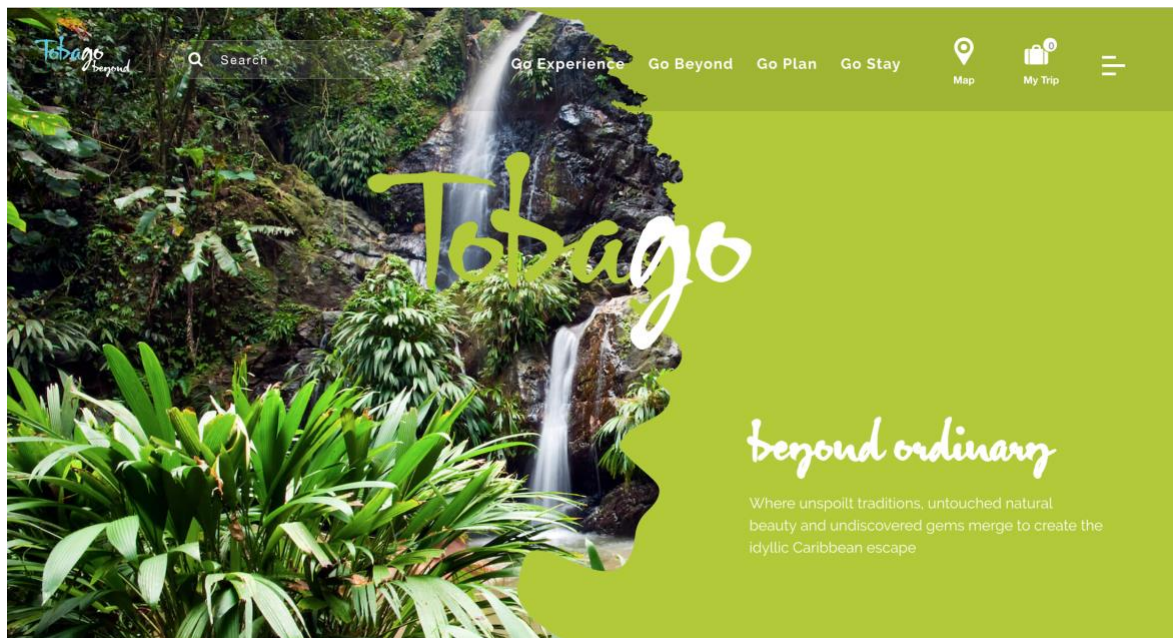


Image: Home Page of Tobago’s Official Tourism Website.

## **‘TOURISM’, THE SEX IS SILENT.**

It is a common saying that the fourth, prominent but officially unrecognised, “s” in sun, sea, and sand is sex. While Trinidad and Tobago is sexualised in tourism marketing, the fourth “s” alluded to in the marketing seems to be officially avoided in state discourse. For example, in the National Tourism Policy of Trinidad and Tobago, “prostitution” is merely stated in conjunction with other key regional “issues” regarding tourism<sup>52</sup> but otherwise, there is mostly a silence surrounding sex work in the tourism sector. This silence harshly juxtaposes the frequent brothel raids “where foreign women engage in prostitution (TIP 2009),” and the widespread prevalence yet unofficial acknowledgement of sex tourism in Trinidad, and especially Tobago.

Nixon believes that the lack of concern about sex work in the Caribbean is due to sex tourism/sexualised tourism as it embodies neocolonial desires through rediscovery/colonisation and economic neoimperialism (Nixon 84). While Trinidad and Tobago collectively are not dependent on income from the tourism industry as many other Caribbean countries are (National Tourism Policy 8), Tobago relies on the industry due to the island’s high unemployment rate, especially for young men.

The government of Trinidad and Tobago is implementing plans to further develop the tourism industry on each island. The Ministry of Tourism released a press release on April 4, 2019 that cruise ship visitors had reached 58,000 during 2018-2019 cruise season, a 10,000 increase in comparison to past years. Plans to continue increasing cruise ship visitors are underway. Tobago, recently rebranded as a colonial sexual fantasy, also plans to attract more tourists for “sun, sand, sea. . . and sex.” The silence surrounding sex tourism contrasts with the highly publicised brothel raids, but allows the state to capitalise from the influx of foreign tourist dollars. Instead of addressing the economic conditions that have created an impoverished population of Trinidad and Tobago citizens, as well as the increasing migrant sex worker population in Trinidad and Tobago, the government accommodates these marginalized groups’ participation in the informal economy, where they are vulnerable to exploitation and violence at the hands of clients and the law.

## **TOURIST AS MODERN-DAY MASSA**

In sharp contrast to the policing of migrants, sex workers, and refugees, the tourist, attracted to country through sexualised rhetoric and promises, is welcomed into the country with a smile and is unofficially allowed to participate in “criminal” activities like sex work. The privileged treatment of the tourist is a direct result of the financial foreign capital they bring to spend, and the nation’s neocolonial economic dependency on the Global North, which make up the largest population of foreign tourists in Trinidad and Tobago. Perhaps most disturbing of all is the state-demanded serviceability of locals towards tourists. This is demonstrated in a speech given to security officers before a day of serviceability training:

From a tourism perspective, many of you are our front liners. You play a critical role in establishing a good first impression of Trinidad and Tobago. Consider for a moment that the first person the visitor sees, when she or he arrives at an international airport, is an immigration officer. What first impression do you give to that person? Do you say “welcome to my country” or is the visitor confronted by grim-faced officials, who appear

<sup>52</sup> Ministry of Tourism Trinidad and Tobago. National Tourism Policy of Trinidad and Tobago. October 2010. [www.ema.co.tt/images/Files/policies/tourism\\_policy.pdf](http://www.ema.co.tt/images/Files/policies/tourism_policy.pdf). 10-11.

bored with their job, and give the impression that they only wish that fewer visitors had arrived?. . . At the end of the session, it is our hope and goal that you will see yourselves *not merely as security professionals; but also as tourism ambassadors*. (emphasis my own)<sup>53</sup>

That tourism demands serviceability even from security professionals, who are meant to take on a role as “tourism ambassadors” contrasts, or rather compliments, the human trafficking trainings immigration officers receive which paint the image of Latinx women entering Trinidad and Tobago as victims of human trafficking or sex workers. This irony of the racialised treatment of incomers at the border is exemplified by a story one of the subject participants told. He was in the line for immigration at the Piarco airport when he noticed a Spanish-speaking woman in the Visitors line was having some trouble. He felt bad for her but did not intervene. It was at this point that a man in the Nationals and CARICOM members line shouted out “If she comin’ to do sex work, let she in!” The designation of a visiting Spanish-speaking woman as a sex worker by an eager Trinbagonian man speaks to the sexual harassment and policing which Latinx migrant women face by Trinidad and Tobago citizens, as well as police and immigration officers. A visitor who looks and speaks more “like a tourist” on the other hand, is expected to be greeted with a genuinely friendly “Welcome to my country!”

In keeping with its colonial legacy, tourism in Trinidad and Tobago is a space exempt from violent policing of sex workers, although their lack of access to rights and vulnerability to exploitation, being in the informal economy, remains. Similarly, the tourist is given special exemptions from the hostility shown to refugees and undocumented migrants. This leniency can be attributed to racist coloniality and neoliberal economic dependency which prioritises Global North tourists as modern day massas. Through the sex tourism/sexualised tourism industry, the hypocrisy of the state and its coloniality is mirrored against the violent policing and dehumanisation of Latinx women/sex workers/migrants as an “exploitable” labour population.

## CONCLUSION

In contemporary Trinidad and Tobago, the influx of Venezuelan refugees has brought the “Spanish Gyal” to the forefront of national consciousness which has devastating effects in the lives of Latinx undocumented and refugee women, who may or may not do sex work. In examining the origins of this “Spanish Gyal”, more and more threads of coloniality are uncovered. In examining the effects of the “Spanish Gyal”- how it is used to dehumanise, divide, police, and ultimately to exploit- the project of colonialism/capitalism is revealed. Through studying tourism, the hypocrisy of the moral arguments against sex work is revealed as well as the unequal relationships between Trinidad and Tobago and the Global North. It is useful to contrast the state’s approaches to policing so-called sex workers with the sexualizing of islands, cultures, and the people of Trinidad and Tobago, and to compare the treatment of refugees and undocumented migrants against tourists. These comparisons expose some of the colonial ironies of state practices and discourses.

Colonialism/capitalism, as violent interlocked systems, work together through heterosexist, xenophobia and racist ideologies to dehumanise people in order to justify the exploitation of their labour and a denial of their rights.

<sup>53</sup> Remarks by Ms Vidiyah Ramkhelawan Permanent Secretary Ministry of Tourism at the Capacity Building Sessions for National Security Officers Ministry of Tourism Conference Room Level 9 Thursday 24th May 2018, 4-6.



## TWO

### WHEN THE CONTRACT BREAKS: NAVIGATING EVERYDAY LIFE AS A REFUGEE IN TRINIDAD AND TOBAGO

*No te estoy pidiendo que me pongan una alfombra, pero que sean más receptivos.*

*I'm not asking them to lay out a carpet for me, just that they are more receptive.*

*- A refugee subject participant*

In the previous chapter I used the heterosexist/xenophobic/racist “Spanish Gyal” to study how colonialism/capitalism still work in contemporary Trinidad and Tobago to dehumanise and exploit a population of sex workers/migrants/Latinx women for profit and power. The previous chapter went into some detail about what the dehumanisation looked like through examples of sexual harassment aimed at Latinx migrant women who were perceived as fitting the “Spanish Gyal” imaginary, and the violent policing of this labour population. This chapter will expand on what the everyday lives of this dehumanised, ‘exploitable’ population are like, which the “Spanish Gyal” sometimes appears in. By centering the voices of a specific sub-population within this larger dehumanised labour force, I hope to provide the reader with a clearer understanding of how colonialism/capitalism work in the everyday and are resisted in the everyday. This chapter draws on interviews conducted with 12 staff members from LWC and other relevant NGOs, and especially foregrounds interviews conducted with 3 Venezuelan refugee women in Trinidad and Tobago. It uses the complex perspectives of these refugee women subject participants in combination with a post-colonial, global feminist framework to inform an analysis of the diverse interests and common themes which refugees navigate in their everyday lives in Trinidad and Tobago. While attention was paid to the nuances and complexities of situations and views of refugees and the actors/interests which they navigate, this paper does not claim to present a “universal refugee experience,” or the experiences of other identities that exist within this dehumanised labour population in contemporary Trinidad and Tobago.

### WHAT AND WHO IS A REFUGEE?

The 1951 Convention Relating to the Status of Refugees was created by European states in the aftermath of World War II. Consequently, the refugee that the 1951 Convention had in mind and was meant to cater to was a male refugee fleeing religious/political persecution. According to the 1951 Convention, a refugee is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion. The 1951 Convention has been changed once, in the 1967 Protocol which removed the time and geographical limits (before 1 January 1951, only European countries). The definition has since been widely contested for example, for excluding those fleeing persecution based on gender, sexual orientation, gender identity, environmental disaster, etc. which has led to the reinterpretation of the “membership of a particular social group” to include such persecution unofficially. Beyond the grounds of persecution, other key discussions in migration studies include questioning the need to prove a “well-founded fear” of persecution, for example, leading to homosexual men videoing themselves having sex with their partners in order to prove that they are gay. Another point of debate is that asylum can only be claimed from outside the country of persecution, which excludes internally



displaced persons who are usually those more vulnerable which thus effects their limited mobility (women with children, elderly, lower classes). Another important aspect of the refugee protection, is that it is a temporary status with three durable solutions. Today there are 148 signatories to the one or both the 1951 Convention and 1967 Protocol.<sup>54</sup> Signatory states are meant to uphold the laws of the convention by creating national systems that adhere to it, but there is no authoritative judicial or punitive body to enforce these international standards.

Registered refugees in Trinidad and Tobago<sup>55</sup> come from six main countries: Cuba, Venezuela, Syria, Bangladesh, Jamaica, Columbia, and Nigeria, but also include persons from Pakistan, Congo, Mali, Sudan and Uganda (Nakhid and Welch 43). The first cases of refugees in Trinidad and Tobago were those of African origin and few in number. Over the years, as a result of conflicts, war or other persecutions, the most popular regions/countries of origin have changed. The year 2017 saw an influx of Venezuelan refugees to Trinidad and Tobago that placed them as the second largest group, but previously the majority came from Cuba and Syria (Ibid). This was consistent with the 2017 increase of Venezuelans leaving Venezuela to other Latin American and Caribbean countries in general.<sup>56</sup> Today, Venezuelan refugees far outnumber the number of refugees from other nationalities, and the total number of refugees that LWC has ever registered in total.<sup>57</sup> While there are trends explaining why certain populations move from each of these countries of origin, such as war and civil conflict in Syria/Congo/Bangladesh/Sudan/Nigeria, homophobic violence in Jamaica, religious and political persecution in Cuba, and widespread hunger and political persecution in Venezuela, and while these trends are taken into account by UNHCR RSD officers while evaluating asylum-seeker applications,<sup>58</sup> each applicant and their dependents/immediate family members case is evaluated on an individual basis.

### **“CRIMINALS” UNDER TRINIDAD AND TOBAGO LAW**

Trinidad and Tobago, although signatory to the 1951 Convention, has not implemented a legislative framework to process or even recognise refugees. Since 2014, there has been a policy in legal limbo to recognise refugee status, provide basic rights like access to education and work permits and protection from detention for illegal entry. In the absence of a legal framework, the

<sup>54</sup>United Nations High Commissioner for Refugees. States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. April 2015. UNHCR-USA.

[www.unhcr.org/en-us/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html](http://www.unhcr.org/en-us/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html).

<sup>55</sup> Refugees in this case refers to those who are registered through LWC and thus UNHCR. Due to lack of awareness and fear of persecution or economic/physical accessibility to registration, persons who may classify as refugees in Trinidad and Tobago are not registered and thus recognised as refugees. Thus, the numbers of persons who would probably qualify as refugees in Trinidad and Tobago are probably a lot higher than those who are registered.

<sup>56</sup> International Organization for Migration. “Emergency Plan for Refugees and Migrants from Venezuela Launched.” *International Organization for Migration*, 14 Dec. 2018, [www.iom.int/news/emergency-plan-refugees-and-migrants-venezuela-launched](http://www.iom.int/news/emergency-plan-refugees-and-migrants-venezuela-launched).

<sup>57</sup> Information observed from volunteering with LWC, specifically working with the refugee application files.

<sup>58</sup> An example of this is the UNHCR Guidance Note on the Outflow of Venezuelans. UN High Commissioner for Refugees (UNHCR), *Guidance Note on the Outflow of Venezuelans*, March 2018, [www.refworld.org/docid/5a9ff3cc4.html](http://www.refworld.org/docid/5a9ff3cc4.html) Accessed 21 April 2019.

UNHCR has chosen Living Water Community as its implementing partner. Since the influx of Venezuelans refugees, due to the geographical proximity and severity of situation in Venezuela, the UNHCR had a presence in 2016 in Trinidad and Tobago, taking over registration, performing RSD in the country, and increasing programming and political advocacy, whilst continuing to support LWC in its protection work. To be clear, there is no legal recognition of a refugee under the law of Trinidad and Tobago. Under the Immigration Act, refugees/asylum-seekers are considered criminals for illegal entry or overstaying in the country. Until recently, refugees were ordered Orders of Supervision which they had to report to Immigration each month. Thus, refugees are criminalised, have little or no access to human rights, and are an exploitable labour population.

The Immigration Act explains who can gain access to the nation, and who cannot. These are in accordance with Jacqui Alexander's analysis of the citizen/non-citizen where (re)productive, capitalist bodies have access and that threaten the heterosexist, capitalist nation state and its (contracted) citizens are criminalised and literally barred entry. What threatens the state and its labour force is any body that might "pollute" their labour pool including non-reproductive "homosexuals" and persons who have infectious diseases, those that challenge the power of the state-planning on overtaking the government or to spread such ideas, and those who cannot (or are perceived as not being able) be a productive and reproductive worker in the society. Thus a citizen's worth is based around their labour and reproductive capacities, which will in turn become profitable to the state. However this is only one side of the coin, the light side perhaps. The dark side<sup>59</sup> is this legislation, in addition to others which make citizens into non-citizens such as the Summary Offences Act and the Sexual Offences Act, create an informal economy which is ripe for exploitation. This Immigration Act's dark side is not just who it does not allow entry into the physical or symbolic nation, it violently enforces it against those who are already vulnerable. The state does not in practice penalise those who hire the so-called "illegal immigrants" and profit from their exploited labour, a fact which is widely known by Trinbagonians who use this to threaten employees who they exploit.

The refugee is quite literally a non-citizen, and as such has no claim to state services, to land, to exist on a space, to participate in politics- the non-citizen/non-national has no rights. As a non-citizen from their own place of origin, the refugee leaves their designated place of belonging, the place that owes them rights, that recognises them as a person who is due a basic standard of living. Outside of this place, the refugee can only claim asylum.

<sup>59</sup> This concept of a "light" and "dark" side comes from Maria Lugones who explains that both sides are negative, and the difference between the two is in the degree and visibility of violence. Lugones, Maria. "Heterosexualism and the Colonial / Modern Gender System." *Hypatia*, vol. 22, no. 1, 2007, pp. 186–209., doi:10.1353/hyp.2006.0067.

## **PART I**

### **NAVIGATING A DYNAMIC STORM OF DIVERSE INTERESTS**

Refugees, like other migrants and sex workers, navigate numerous political, economic, and humanitarian interests as they work to live a dignified and secure life. In Trinidad and Tobago, some of the key entities refugees navigate are: international refugee-focused organisations (primarily the UNHCR); the Trinidad and Tobago government and its migration laws (Trafficking in Persons Act, the Immigration Act, Summary Offenses Act and Sexual Offenses Act); the USA as the closest major world power; the governments of refugees' countries of origin; and Living Water Community. Living Water Community (LWC) is a Catholic non-profit, non-governmental organisation chosen by the UNHCR to act as their implementing partner. They are the main provider of protection services to refugees in Trinidad and Tobago. Refugees must also navigate other international, regional or Trinidad-based humanitarian organisations, as well as the Trinbagonian public. Each of these entities have their own motivations and shortcomings in their interaction with refugees.

#### **“PURE MISCHIEF”<sup>60</sup>: UNPACKING THE GOVERNMENT’S RESPONSE**

*When elephants fight, the grass suffers.~African Proverb (Sanders 475)*

The government of Trinidad and Tobago has the power to alleviate many of the struggles refugees face in the country, such as the right to work, recognition of refugee status, access to education, and elimination of inequitable arrest and detention. Throughout the interviews, subject participants expressed a sense of hopelessness and doubt that the government would take substantial steps towards these actions.

The government has designated a Refugee Unit under the Immigration Unit which conducts monthly meetings with the UNHCR and LWC. At these meetings, UNHCR and LWC raise awareness on the issues refugees face and remind the government of its duty as signatories to uphold the 1951 Convention. Subject participants confessed that what the Immigration Division agrees upon in these meetings, and what police and immigration officers do outside of the meetings are often contradictory. A subject participant spoke about the Refugee Unit, explaining:

I know that they try very hard but at the end of the day they are bounded to uphold the law. While we are asking them to acknowledge what (LWC and UNHCR) do, they still have to safeguard their jobs- their duties as public servants to the law of Trinidad and Tobago. (The real) issue is getting through to Chief Immigration Officer and Minister of Foreign Affairs for them to acknowledge and change the law.

As the quotation demonstrates, there are members of the government and public servants who are sympathetic to the plight of refugees, but they are bound to uphold the laws of country. These laws are structurally anti-refugee, since the current Immigration Act and Constitution do

<sup>60</sup> This title references the Prime Minister’s response to a question regarding if there was a connection between the Dragon Gas Deal and the deportation of over 80 Venezuelan migrants (at least some were refugees). He replied, “No whatsoever, and any attempt to do so is pure mischief (“Post Cabinet Media Briefing”).”

not recognise refugees as a classification of visitors at all, and allow for refugees to be detained and deported for “illegal” entry. A simple but robust Refugee Policy formulated under the advice and guidance of the UNHCR and LWC has been in legal limbo since 2014 (“Phased Approach to Address Refugee Matters”). The government has the capacity to quickly implement this Refugee Policy as it incorporated international anti-trafficking legislation into local law within a few years. The quotation above suggests that hesitancy in implementing this Refugee Policy stems from the high rungs on the government and is related to international relations.

The government of Trinidad and Tobago, as the representative of a tiny but independent nation in the Global South, is consciously navigating various geopolitical and economic interests in its approach towards refugees. In the following analysis, I focus on Trinidad and Tobago’s economic and political relations with Venezuela to contextualise the government’s approach to Venezuelan refugees. The geopolitics that the government must be aware of is expressed by the subject participant below,

As it currently stands, Trinidad has a very close knit trade relationship with Venezuela and if (the government of Trinidad and Tobago) begin acknowledging this issue that is going on, (it’s) sort of subliminally or outrightly saying that (they) acknowledge that your country is going through turmoil, and by doing that they stand in solidarity with everyone who stands against what Venezuela is doing, which could hamper on trade relations and they don’t want to do that so in order not to hamper trade relations they just won’t acknowledge what is going on as a crisis.

... The government of Venezuela says “We don’t have a problem. You don’t need to take our people. They aren’t refugees. Our home is safe.” So if (the government of Trinidad and Tobago) pass(es) a law that says (they) accept Venezuelans as refugees, (they are) kinda going against what (the Venezuelan government) say(s), cause (the Venezuelan government) just told (the government of Trinidad and Tobago that their) home isn’t broken, “Why you accepting people from my home when I told you it’s not broken? Do you believe what everyone else is saying?”

The Prime Minister of Trinidad and Tobago, PM Dr Keith Rowley, has stated that the Dragon Gas Deal is not the motivation behind Trinidad and Tobago’s “non-interference and non-intervention” stance towards Venezuela, nor was it the motivation behind the deportation of about 80 Venezuelan refugees on a 2018 chartered flight (“Post Cabinet Briefing”; Trinidad and Tobago, Office of the Prime Minister “Origin of T&T Position”). However, it is difficult to believe that the Trinidad and Tobago government is not taking its economic relations with Venezuela into account in its approach to the majority-Venezuelan refugees entering its shores. The Dragon Gas Deal is an agreement between Venezuela and Trinidad and Tobago where the latter will receive natural gas from the Venezuelan offshore Dragon fields to meet its local shortage. This is significant as Trinidad and Tobago’s economy is based on oil and natural gas, which accounts for its status as one of the countries with the highest average income in Latin American and the Caribbean (The World Bank). In addition to the Dragon Gas Deal, the two governments also signed trade agreements in 2016 whereby Trinidad exports US\$50million worth of food and household materials to Venezuela (Caribbean360). To put this in perspective, this new Venezuelan market is larger than the total Caribbean Community (CARICOM) market that Trinidad and Tobago serves

(Dowlat). At the same time, Trinidad and Tobago must be wary of its economic relations with the United States (US). One example of the country's economic dependency on the US is the \$97 million of remittances from the Trinbagonian diaspora in the US to the islands (Sanders 474). In light of the current recession in Trinidad and Tobago, and the government's fairly recent dependency on the International Monetary Fund during 1987-1993 when declining global oil prices resulted in a local recession (The Commonwealth), it would be foolish of the government not to consider its economic relations with Venezuela and the US.

Instead of the economic reasons, PM Dr Rowley quoted Trinidad and Tobago's "personality of state" as the main reason it stood in solidarity with other CARICOM governments against intervention in Venezuela (Trinidad and Tobago, Office of the Prime Minister "Statement by CARICOM"). The PM asked "What has been our foreign policy moorings, over the years, on significant foreign affairs matters e.g. US invasion of Grenada, Venezuela, Nicaragua, apartheid etc? What have been our principles and ideologies?" He then cited the 1945 Charter of the United Nations as the location of the principles and ideologies which the Trinidad and Tobago government supposedly upholds through its anti-intervention stance (ibid.). The PM's centering of the UN Charter in his argument contrasts the number of UN agreements which Trinidad and Tobago is breaking in its mistreatment of refugees including the 1951 Refugee Convention (signed 2000), the Convention of the Rights of the Child (ratified 1991), and the Convention on the Elimination of All Forms of Discrimination against Women (ratified 1990).

The government's approach is more consistent with Sander's belief that Caribbean government's will continue to act in their own economic and political self-interest, regardless of political pressures from the United States or Venezuela (Sanders 475). PM Dr Rowley's response to a reporter's question regarding if Trinidad and Tobago recognised the deteriorating Venezuelan situation and increase of Venezuelan refugees, and what the repercussions of this recognition might be is informative on the government's approach:

It is *because* we are acknowledging it that we are being very careful in how we handle it, cause if we mishandle it, it could create serious problems for us. There are people who want us to join them in invading Venezuela- *we're not doing that*. There are people who want us to come out and speak and say the Venezuelan government is this, the Venezuelan government is doing that- *they could stay where they are, we not doing that*. Venezuela is our closest neighbour and we work on *neighbourly relationships*. And the assistance we provide, is the assistance that we can afford. (emphasis his own) (" Post Cabinet Media Briefing")

This remark hits on a number of points. Firstly, it confirms that the government's approach to refugees is related to their relations with the country they come from, and is consequently being approached with caution. Secondly, it mentions the external pressure to condemn the Venezuelan government, most likely from the US government which has been an advocate for intervention. Thirdly, it states the monetary limitations of protection available to refugees in Trinidad and Tobago, "especially at this time when we are struggling to find opportunities for our own people (ibid.)." The PM emphasised this point, "we are a little island, 1.3 million people, and therefore we cannot and will not allow UN spokespersons to convert us into a refugee camp (ibid.)."

As a small, independent country neighbouring to two larger international powers (the US and Venezuela) and currently facing a recession, Trinidad and Tobago's primary focus in its' approach to the Venezuelan situation and increasing Venezuelan refugees is maintaining amicable

economic and political relations with both Venezuela and the US. It is also in Trinidad and Tobago's interest to uphold and promote an anti-intervention stance, in the hope that should the international community ever debate whether to invade its own borders, other nations will respect its sovereignty. This is not only a political strategy but a military one for a small country with limited military capacity.

Additionally, Trinidad and Tobago does not have the capacity to distribute refugee protection of the international standard without being hypocritical to its own citizens, which it is obliged to serve through the nation-citizen social contract. The PM criticised the UNHCR and Amnesty International for publicly scolding them to the global community for its treatment towards refugees without contextualising the complexity of their position. In the eyes of the government, they are doing the best they can to defend the interests of their own people under the circumstances, which is their duty as elected officials. Unfortunately, refugees as people without the citizenship of their country of origin and their host country, bear the brunt of this approach. UNHCR and other humanitarian organisations who advocate for refugees barely provide protection or command comparable authority to governments in this nation-citizen world system. The PM repeatedly states he acts in the interests of Trinidad and Tobago, but it is clear that he does not consider the interests of all inhabitants of Trinidad and Tobago, since inhabitants can include persons who are not citizens, such as refugees and even their children born in Trinidad and Tobago<sup>61</sup>. Thus, the global hegemony of the nation-citizen world order justifies the mistreatment and dehumanisation of refugees.

Furthermore, the government of Trinidad and Tobago has a misguided attitude towards refugees. Far from being black holes of citizen's resources, refugees are valuable assets to the communities they inhabit. Integration and migrant-friendly policies would not only benefit refugees but also Trinbagonians and the country at large. A majority of the refugees in Trinidad and Tobago bring with them skills and education ranging from business to medicine. These skills and education could be mutually beneficial to Trinbagonians and refugees if refugees were not limited to being exploited as part time workers in construction, domestic, sex and other informal industries. While certain individuals and organisations profit from exploiting the labour of refugees, the perpetuation of socio-economic inequality of refugees is counterproductive to the socio-economic well-being of Trinbagonians. Allowing refugees to be paid below an already horrendously low minimum wage of \$15TT per hour, devalues the labour of all people in Trinidad and Tobago, not only refugees. Trinbagonians who can choose to reject employment at exploitable rates, because they have a Trinbagonian nationality, still must compete with these exploitative pay rates. Far from 'stealing Trinbagonian's jobs,' refugees and other migrants are a source of social and economic possibility when paired with mutually beneficial migrant work policies. That being said, refugees should not be welcomed on the basis of their potential economic productivity as that would perpetuate the capitalist ideology that they are only valuable for their labour. If the Trinidad and Tobago government can find a way to dance around the politics of having economic and political relations with both the US and Venezuela, then it can implement mutually-beneficial domestic socio-economic policies towards refugees.

<sup>61</sup> Trinidad and Tobago citizenship is not awarded based on birth in the country. It is passed from parent to child.

## UNHCR<sup>62</sup>

The UNHCR emerged at the same time as the 1951 Convention but unlike the almost unchanged document, the UN organisation has shifted its work as reasons for forced migration and locations that forced migrants can access have changed over the decades. Currently, the UNHCR describes itself as “a global organization dedicated to saving lives, protecting rights and building a better future for refugees, forcibly displaced communities and stateless people.”<sup>63</sup> Two of the limitations of UNHCR is its source of funding and bureaucracy. In 2001, the UNHCR Global Report stated that 96% of funding in any given year came from 15 donor governments (mainly European but also Japan, Saudi Arabia, USA, Australia, Canada) and the European Union. The Report acknowledged this narrow donor base as a place of “inherent vulnerability” and that attempts in recent years to expand were met with “decidedly modest” success due to a wide range of factors such as the 1990s economic downturn, the strength of the US Dollar, government attention focusing on political problems rather than refugees, and the lack of an “established culture of multilateral assistance”. Perhaps more disturbing is when the Report states, “main donors have in recent years voiced an interest in becoming more actively involved in the planning, objective setting and budgeting process,” which UNHCR “welcomed” in an attempt to gain support for its budget and encourage donors to donate according to deadlines, with “informal consultations” beginning in 1999 on the 2001 budget.<sup>64</sup> Thusfar in 2019, 16.1% of the total US donation to the UNHCR (\$125,000,000) composed 59.5% of the total funding to address the Venezuela Situation, with the US being the number one contribution by over double any other donation by another contributor to UNHCR efforts for Venezuelans.<sup>65</sup> It is undeniable that Venezuelan refugees are in dire need of assistance, with all three Venezuelan subject participants noting that UNHCR funding is not enough to live on and LWC staff echoing this sentiment especially with the new cash-based intervention system where fewer people (those most vulnerable) are allocated more funding. However the shadow of the US political-economic interests in the allocation of funds to Venezuelan refugees must be acknowledged and looked more into. The ‘popularity’ of certain forced migrants over others for a multitude of reasons is not new to the Caribbean. Cuban refugees in Trinidad and Tobago have pointed out the discrepancy of refugee protection they face in Trinidad and Tobago versus the USA, and Nixon, Kempadoo and journalists at the News Conference with PM Keith Rowley questioned the disregard for Haitians rights as refugees around the world, including the Caribbean with numerous accounts of mass deportations that are contrary to international refugee law. The indefinite detention of African

<sup>62</sup> Multiple attempts via email, telephone, and voicemail were made to the UNHCR Office in Port of Spain to have an interview but no response was ever received.

<sup>63</sup>United Nations High Commissioner for Refugees. “About Us.” *UNHCR*, [www.unhcr.org/en-us/about-us.html](http://www.unhcr.org/en-us/about-us.html).

<sup>64</sup> Passim, United Nations High Commissioner for Refugees. Funding and Budget. Pp.16. UNHCR 2001 Global Appeal. [www.unhcr.org/3e2c05c30.pdf](http://www.unhcr.org/3e2c05c30.pdf).

<sup>65</sup> United Nations High Commissioner for Refugees. UNHCR Venezuela Situation: Funding Update 2019 (as of 2 April 2019). 2 April 2019. ReliefWeb. [reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Venezuela%20Funding%20Update%202%20Apr%202019.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Venezuela%20Funding%20Update%202%20Apr%202019.pdf). United Nations High Commissioner for Refugees. Global Overview Current Budget (as at 25 February 2019). 25 February 2019. <http://reporting.unhcr.org/sites/default/files/Global%20Funding%20Overview%2025%20February%202019.pdf>

migrants/refugees in IDC or prisons, attested to the refusal of the Nigerian government to pay for their return transportation by PM Keith Rowley, is another example because they have been there for years being mistreated in facilities that are described by many as a “living hell” yet there has been no intervention (that I’ve come across) by the UNHCR, IOM or other UN or international humanitarian organisations to condemn or correct this injustice.

	<b>First</b>	<b>Second</b>	<b>Third</b>
<b>2012</b>	US	Japan	EU
<b>2013</b>	US	Japan	EU
<b>2014</b>	US	EU	UK
<b>2015</b>	US	UK	EU
<b>2016</b>	US	EU	Germany
<b>2017</b>	US	Germany	EU
<b>2018</b>	US	EU	Germany
<b>2019</b>	US	EU	Germany

Table 1: Top Three Government Donors of UNHCR 2012-2019<sup>66</sup>

While LWC staff spoke highly of their partnership with the UNHCR, some noted that communication and the bureaucracy sometimes resulted in things lost in translation between the two organisations or slow results. Two main benefits that LWC staff noted were the status of the organisation as a UN body, which came in handy in partnerships with government or other NGOs or organisations in Trinidad and Tobago garnering more respect for LWC’s refugee work and faster-better delivery of requests, and UNHCR’s work to fill the void of sexual and reproductive health services and their accessibility to refugees.

The refugees interviewed did not express such rosy images of the UNHCR. The findings include that there needs to be more clarity of what the UNHCR is and the services they offer to refugees and the accessibility of them. The long wait times for registration and before the RSD interviews were particular sources of frustration, as they left refugees even more vulnerable to arrest, detention and deportation. Additionally, even though the UNHCR tells refugees that they will be available for emergencies via phone, refugees reported that when they called, UNHCR staff were short on time, and delayed follow-ups to the point that if a refugee needed something to be done, they had to physically go to the office, even though transport is a well-known financial burden and security risk for refugees. At the time of the interviews, two LWC staff were recruited to work as RSD interviewers with UNHCR and the UNHCR presence in Trinidad and Tobago was growing. While the UNHCR has appointed certain members of the refugee population to act as spokespersons, and has tried to establish more clear connections between refugee populations and itself, refugees reported that their voiced concerns were not met, and after some time the connection pathways were not utilised. Two of the complaints mentioned that were not addressed were the inadequacy of LWC lawyers to intervene in violations of freedom of movement of refugees by Trinidad and Tobago Police Service and Immigration Division

<sup>66</sup> United Nations High Commissioner for Refugees. “Donor Profiles.” *Donor Profiles | Global Focus*, UNHCR, [reporting.unhcr.org/donor-profiles?y=2019](https://reporting.unhcr.org/donor-profiles?y=2019).



(arrests/detentions/refusal of entry/deportations) and the inefficiency or absence of follow-ups with cases of sexual violation including sex trafficking, and sexual abuse against youth and children. Both of these instances were shrouded in bureaucratic confidentiality or meetings to express dissent, but ultimately action was not taken. While the refugees interviewed acknowledge that the UNHCR is in conversation with the Trinidad and Tobago government, they call on the UNHCR to uphold their statute of protecting refugees/asylum-seekers and holding the Trinidad and Tobago government to its responsibility of adhering to the 1951 Convention and 1967 Protocol. In areas where the government, organisations, or individuals are violating the rights of refugee and asylum-seekers, they want and need the UNHCR to hold them legally accountable by taking them court. One of the subject participants concisely put this sentiment as:

Se supone que el ACNUR es la casa del refugiado porque es el comisionado de las naciones unidas para los refugiados que hace un alto comisionado poniendo más vigilancia blindando las sedes de lo que deber ser el refugio de los refugiados cuando no sentimos en protección... ¿a quién acudir, si no a ellos?

*One would think that ACNUR is the refugee's home because it's the United Nations' commission for refugees, which has a High Commissioner putting more armored vigilance in the sites that should be the refuge of the refugees when we don't feel protected. . . Who do we turn to if not them?*

## LIVING WATER COMMUNITY: “JESUS WAS A REFUGEE TOO”



Image: Living Water Community in Port of Spain. A sign reads : Jesus, Mary & Joseph: Refugee Family. “Do not neglect to show hospitality” Hebrews 13:2. At the time of research there was a similar sign of Jesus with the words “Jesus Was A Refugee.”<sup>67</sup> Photo by Rachel Grosberg.

One of the institutions that refugees navigate is Living Water Community (LWC), and its Ministry for Refugees and Migrants which has worked as an implementing partner with the UNHCR since 1989.<sup>68</sup> LWC is a Catholic Ecclesial Community founded by Rhonda Maingot and Rose Kackman in 1975 to “‘lights a fire of love’ in the hearts of God’s people.”<sup>69</sup> Its’ core mission is rooted in Catholicism, as well as elements of its policies and day to day runnings. Along with daily masses which are broadcasted along with other digital communications, LWC has a large number of “ministries” which cater to the “poorest of the poor” including hospices for persons dying from cancer, old age, HIV/AIDS, a food bank, summer camps for teens and children, shelters for survivors of domestic violence, homes for orphans and children with disabilities, to name only a few. As a local organisation which has proved throughout its work and by serving people whom the public and government have shunned, that it sees the humanity in people and is committed to treating them as humans worthy of love and support. This philosophy is rooted in their faith, and attracts many of their volunteers and employees to a similar selfless mission, such as this employee

<sup>67</sup> Observation and Scruggs, Gregory. “Venezuelans Fleeing to Trinidad Expose Cracks in Island Refugee Policy.” *Reuters*, Thomson Reuters, 23 July 2018, [www.reuters.com/article/us-islands-trinidadtobago-refugees/venezuelans-fleeing-to-trinidad-expose-cracks-in-island-refugee-policy-idUSKBN1KD0U6](http://www.reuters.com/article/us-islands-trinidadtobago-refugees/venezuelans-fleeing-to-trinidad-expose-cracks-in-island-refugee-policy-idUSKBN1KD0U6).

<sup>68</sup> Ibid, Nakhid and Welch.

<sup>69</sup> Living Water Community. “History.” *Living Water Community*, 3 Jan. 2018, [www.lwctt.org/history/](http://www.lwctt.org/history/).

of the Ministry for Refugees and Migrants (MRM), “I am not a Catholic but I found that the Catholic principals is one and the same with my core value of just helping people without any motive, and that’s just what I wanted to do, and to use my skills and expertise to do so.” In fact, similar to this employee, most of the staff of the MRM were not Catholic, with many of them not being Christian. While this religious diversity within one organisation is not rare in a country composed of numerous coexisting religions, it is an important feature to take into account when evaluating its services to refugees and asylum-seekers. Contrary to Western views about faith-based organisations doing humanitarian work, LWC’s Catholic mission and characteristics have numerous benefits that non-FBOs like UNHCR might not be able to tap into.

Already mentioned was the mission-oriented drive of the organisation as a whole and each of its employees. I found that in my volunteering and in the interviews, this mission was constantly invoked thus reinforcing and constantly encouraging staff and volunteers to put aside difficulties with the job and continue to treat the refugees they serve with respect and humanity. This often merged with UNHCR training about the struggles that refugees face, which provided staff with understanding of why refugees might not have all of their documents, or might become angry and upset- thus giving the staff a greater capacity to understand the context which refugees were coming from which counteracted many misunderstandings or tense interactions.

Similarly, another benefit of LWC being an FBO was the trust that it garnered from refugees, partners in Trinidad and Tobago, from financial or in-kind supporters, and from the government (somewhat). The perspectives of refugees regarding LWC and its quality of service is diverse, but one of the views expressed was that of comfort and trust, precisely because LWC is an FBO:

En mi caso ha sido muy bueno de que sea una comunidad católica. Me gusta muchísimo que sea así porque para mí es algo muy gratificante. Me gusta muchísimo hablar con ellos porque transmiten paz... me gusta hablar con ellos, me gustan sus consejos, me gusta dirigirme a ellos por “x” circunstancia que yo tenga, o también me han recomendado a muchos amigos que vayan y hablen con tal persona para que les ayude, les oriente. Es de muy buen beneficio mentalmente para la persona que viene a pedir refugio porque es una persona que viene, falta de amor porque viene sola, porque viene.... O sea, viene con tanta desesperanza, que la fe... o sea, es algo que te siempre acomuna la fe y sigues creyendo que sí puedes, que sí puedes, que sí puedes... De verdad, para mí ha sido en mi caso de muy buen beneficio.

*In my case, it has been very good, [the fact] that they are a Catholic community. I really like that it’s that way because for me it’s gratifying. I really like talking with them because they pass on peace... I like talking with them, I like their advice, I like going to them for “x” circumstance that I have, or also they’ve recommended many of my friends to go to go and talk with so-and-so person for help, they orient them. It’s a very good benefit mentally for the person who comes seeking refuge because it’s a person who comes, lacking love because they come alone, because they come... I mean, they come with such hopelessness that the faith... faith is something that you always join forces with and you keep believing that, “Yes, you can. Yes, you can. Yes, you can.” ...Honestly, for me it has been very beneficial, in my case.*

The information about where refugees can get services, even registering as refugees, is not publicised broadly- with most refugees coming to learn about it by word of mouth from other registered refugees/asylum-seekers. Persons who most likely qualify as refugees are unsure and afraid of who they can turn to for help (and for good reason considering their risky undocumented

status, the fear of arrest and deportation, and the high number of scams, xenophobic remarks and actions against them). Being associated with a religion, especially one that is well known to most of the refugees coming in - specifically those from: Venezuela; Jamaica and other Caribbean islands where refugees come from; Nigeria, Mali, Congo and other countries in Africa where refugees come from- already garners the trust of many refugees who associate FBOs with humanity. Furthermore, the emotional comfort and strength that faith-practising or believing refugees can get from religious persons at LWC, whether or not they practise the same religion, can be a much-needed aspect of support that refugees need since they face tremendous stress from the situations they are fleeing (and many of their loved ones who are there are still living with), the journey away from it, and their daily lives as refugees in Trinidad and Tobago.

The trust that LWC has from being an FBO works in its favour from funders and donors as well as partners and the government in Trinidad and Tobago, and can be summed up in the phrase “you can’t argue with God.” LWC is able to tap into the hearts, and the wallets, of wide number of persons by being associated with Catholicism. LWC sustains a close relationship with the Catholic Church in Trinidad and Tobago, which is connected to the global regime of the Pope/Catholic World. One of the major benefits of this is that it can guilt or evoke sympathy from a wide range of donors who are moved to donate money (whether or not they have a lot) or other donations like food, or volunteer, or basically provide support in some form or another- *without trying to have a say in what the money will be used for*. In a world where humanitarian organisations, including the UN, must constantly fight against the motives of donors or grantees in who and how their work is carried out, this is no small benefit. That being said, often the staff and founder do not know how they meet their financial needs and demands- but in their faith that “God will provide” they carry on in providing their services, and more often than not, things do work out. Other partners in Trinidad and Tobago give their trust to LWC from a combination of their Catholic, selfless mission and LWC’s demonstrated work in meeting this mission over its existence. The government also follows this pattern, as well as- being a country where the two forms of discrimination not accepted are racism and religious intolerance. These are drilled into every Trinbagonian’s bones as national features; they are the foundation and key characteristics of the nation as seen in the national watchwords and national anthem. As such, there is a certain level of pardon or gray area afforded to LWC, being primarily a religious organisation in serving refugees, even though their services might be contradictory to the government’s policy towards refugees in general. For this reason, choosing LWC as the UNHCR’s implementing partner was a strategic choice as together, both are able to certain features of their organisation to navigate the socio-political international and local contexts to provide services to refugees in Trinidad and Tobago.

LWC sometimes fails to live up to its mission. There are two main areas where LWC fails its mission, that is sometimes they do not see the humanity of each individual, and sometimes they do not have the resources to serve refugees in a dignified way. One refugee subject participant says:

**Entrevistadx:** Por cositas muy puntuales, le dije que me parecía haber... a lo que estaba pasando en Venezuela me parece que estaba pasando en Living Water—

**Interviewee:** Because of very unusual things, I told them that it seemed to me that...What was happening in Venezuela was happening in Living Water--

**Entrevistadorx:** ¿En qué términos?

**Interviewer:** In what terms?

**Entrevistadx:** En términos de que la gente se iba muy temprano, acaso que dormía fuera de Living Water para poder acceder a ACNUR. Y tengo entendido por alguien que estaba ya adentro que dieron 35 números cuando es para 70. O sea, hay corrupción...

**Interviewee:** In terms of the people going very early in the morning, maybe even sleeping outside of Living Water to be able to access UNHCR. I understand from someone else that was already inside that they gave out 35 numbers when it should be for 70 people.

It seems that this refugee subject participant is talking about the system of registration at LWC where incomers have to receive a number and wait long hours to talk to someone about their case initially. In the interviews, other cases came up such as communication. While LWC has made significant efforts to hire fluent Spanish speakers, in addition to having access to other translators, some refugees complained that the Spanish they spoke was very slow and that there were not enough Spanish-speaking staff in general. Of particular concern was that the 2-person legal staff did not speak Spanish fluently, however a third member had just been added to the team who spoke fluent Spanish and had Venezuelan-Trinidadian heritage. The long wait times, lack of personnel to assist or check in on refugees, and provide services speaks in general to the rapid increase of refugees in Trinidad and Tobago which LWC struggled but is trying to catch up to servicing. Keep in mind that LWC is acting as an implementing partner of UNHCR, who is in fact acting in place of what the government of Trinidad and Tobago is supposed to be doing in accordance of signing the 1951 Convention and Protocol, as well as the 2014 Refugee Policy which is lingering in legal limbo.

Another failure, or perhaps a constant struggle is LWC's staff emotional stress/strength in trying to see the humanity of a large number of structurally de-humanised people. A concern raised by two refugees had that, "when the work becomes routine, you lose sensitivity. There are so many problems... there are so many problems that, in the end, you become indifferent." One refugee subject participant expands on this:

**Entrevistadorx:** Ok, ¿Cuáles son los beneficios, desde tu punto de vista, o las limitaciones, de que la organización de Living Water que sea católica?

**Entrevistadx:** Mira, yo no lo veo como ningún beneficio. Yo particularmente, no puedo hablar de los demás. Porque si son católicos, y yo soy católica... pero es la cuestión humanitaria. Yo no veo ningún tipo de humanidad. Es más bien muy mecanizado, hasta cierta rigidez. Por ejemplo, yo fui, y fue como que “espérate, no puedes pasar.” ¿Qué es esto?

**Interviewer:** What are the benefits or the limitations of the organization, Living Water, being Catholic?

**Interviewee:** Look, I don't see it being any benefit. I particularly cannot speak for others. Because if [Living Water] is Catholic, and I am Catholic... but it's a question of humanitarianism. I don't see any kind of humanity. It's very mechanized, even to a certain degree of rigidity. For example, I went, and it was like “wait, you cannot pass.” What is this?

She is correct in discussing the “certain degree of rigidity” which staff members and the LWC system to some extent have to embody to be able to deal with the heartbreaking stories of such a large number of persons. The difficulty of constantly seeing the humanity in each person is a struggle that LWC staff recognise and have to grapple with, especially when their work is operating in a larger system that structurally dehumanises refugees and undocumented migrants (who may qualify as refugees) in general. A LWC employee speaks about the emotional labour that LWC staff provide and the effects that this had on their emotional well-being:

You minimise your own pain because you realise that the people you serve, their experience of pain is so much greater. . . you realise for the personal telling you this story, it's their first or second or even up to the tenth time, but for me hearing it, it just became the 100th I'd heard over the course of that month, that week, that day, so for me. . .my empathy- it didn't shrivel but like, “alright cool, I'm gonna try to help you”-but I wasn't connecting with my clients in the same way. . . .Empathy is limited. When I came into the job, there was a lot of passion. But after a while it burns out, partially because of (a.) there were clients that were verbally harassing you, and then the stress of the job. A lot of clients were (in a particularly vulnerable situation and thus) calling at all hours of the night. . . .For them I'm not a human being, I'm a provider of services.

On top of the emotional demands of working with refugees, there is the added layer that staff members recognise that the services they provide are not enough, due to LWC/UNHCR's limited resources as well as the lack of national infrastructure to support or even recognise refugees. In fact, one of the main persecutors of refugees rights is the government of Trinidad and Tobago- which is in itself an intricate dance of diplomacy. As one LWC staff member explained, “There are literal limits to the resources that I can provide and that may not mitigate, completely mitigate or diminish your experience of pain in this context, but and I cah I cah do better than that. It's kinda weird.” Another LWC staff member said “Sometimes it feels like I come to work to make a fool of myself. You feel like your lying to these people,” and explained that this feeling comes from doing work that works against the policy of Trinidad and Tobago towards refugees who are only seen as ‘illegal immigrants’ in the eyes of the Immigration Act.

The employee recognises that doing work that is grounded in seeing the humanity of refugees, is not what the refugees will face on a daily basis living as refugees in Trinidad and Tobago.

In general, there was a lot of points throughout the interviews with refugees where it was clear that lack of information was a huge problem in many aspects. Some of the areas where there needs to be more clarity and general awareness include: what the process of applying for asylum is, what the rights of a refugee is and who qualifies, what the role of LWC and UNHCR is in providing services to refugees- including some information about the background of each organisation, more first-hand information about what it's like to live as a refugee in Trinidad and Tobago as well as cultural lessons on what Trinidad and Tobago so refugees can know where they are situated and better navigate the culture, and what the mechanism for choosing persons for cash-based assistance and other forms of assistance are:

Tiene que haber gente que venga raza venezolana o que sea venezolana o que tenga raza latina. Porque te pueden explicar mejor, y te pueden integrar mejor. Por ejemplo, en el caso de la clínica, el hecho de que tú eres venezolana fue un puente porque llegamos tan perdidos. Y el hecho que hablemos venezolano, y aunque había una enfermera que hablaba venezolana, ya uno se siente como más... que uno se puede comunicar mejor. Y no todo el mundo habla venezolano ahí.

*They need to have people who come from Venezuelan background, or who are Venezuelan, or who are Latino/a. Because they can explain better, and they can integrate you better. For example, the case at the clinic, the fact that you are Venezuelan was a bridge because we arrive completely lost. And the fact that we speak Venezuelan [Spanish], and even though there was a nurse who spoke Venezuelan, you already feel more... you feel that you can communicate better. Not everyone speaks Venezuelan there.*

LWC staff pointed out in our interviews that it is a rule not to say what might qualify a person to be a refugee or to receive aid in order to control for persons lying. This is understandable, however, persons may not know that certain experiences are relevant to record and speak about. Furthermore, it creates general mistrust, allegations of corruption, confusion and frustration amongst refugees. At the very least, general statements about the process need to be explained, even if they include the statement that specifics cannot be revealed. Additionally, refugees commonly called for accountability from LWC. Just because LWC is a faith-motivated institution does not mean that biases cannot occur. The fact that LWC is the main and basically, only organisation in charge of providing protection to refugees means that if there are any systematic biases or corruption, it will have a significant impact on an already vulnerable population.

### **“POOREST OF THE POOR”**

The philosophy of “serving the poorest of the poor” already paints an image of the refugee as a victim, and leaves little room for their agency or critical feedback. In the interviews, there was a conceptual tension demonstrated by many LWC employees of reconciling the humanity and need of the refugees, and the demands that some refugees placed to LWC. Sometimes when I asked what stereotypes of refugees existed trying to get to those of Trinbagonians in general, LWC staff alluded to LWC perceptions towards Cuban refugees as protestors- a view it seemed that

administration tried to undermine and encourage staff to not treat them differently. However, as with UNHCR, refugees that did not fit into the ‘docile, grateful’ refugee figure were differentiated:

Luchando aquí les moleste porque yo les digo la verdad. Y me dice, “no, no, no” y me prohíbe la entrada. Me negaron la entrada porque yo les dije la verdad. No están haciendo nada para las personas que necesitan... ustedes no están intentando hacer seguimiento a los casos que reporto. Ustedes hacen esperar en la calle las personas pidiendo algo de comer. Ustedes son los que manejan el dinero de nosotros los refugiados. ¿Cómo es posible que hay personas que no tienen ni siquiera de comer y no lo saben y yo lo estoy reportando que están en casos vulnerables?

*Struggling [for my rights] here bothers them because I tell them the truth. And they say, “no, no, no” and they prohibit entry. They refused [my] entry because I told them the truth. They are not doing anything for the people who need-- you all don’t try to follow-up with the cases I report. You all have people waiting in the streets asking for food. You all are the ones who control the refugees’ money. How is it possible that there are people who don’t have anything to eat and they don’t know and I am reporting that they are in vulnerable situations?*

The mindset of “serving the poorest of the poor” does motivate LWC employees and volunteers to see the humanity of refugees, however there is an aspect of that ‘helping’ passion which mimics a saviour complex, a dangerous reflection when put into context of the Catholic Church’s involvement in colonialism. This so-called “passion” for “helping others without wanting anything in return” is challenged at the monotony of the 70th refugee for that day, particularly if that person is not just grateful but demands what they need to sustain themselves and their families, or if that person gets upset or treats the LWC staff in a derogatory manner. LWC staff in the MRM do try to combat this, but the conflict that each employee as well as the larger MSM faces is constant. An example of a LWC staff member who has come to realise that passion was not a sustainable tool in their work, recommended working as a team, as well as,

Don't try to save, move away from this notion of being a saviour. Your clients are going to do things that are going to *baffle* you but at the end of the day they are autonomous human beings that are over 18 so they can make autonomous decisions. You can't save nobody or tell them what to do. So stop it- stop it before you start it. Recognise that they are humans. Adult humans too. Cause there’s a tendency to infantilise especially cause they're someone who’s coming to you in shambles. (emphasis their own)

## THE LIMITS OF RELIGIOUS MORALE

As a Catholic organisation, LWC strictly enforces the Church’s current philosophy on sexual relations, even at the detriment of the refugees it serves. From not distributing HIV/AIDS awareness materials that mention condoms to remaining silent about where refugees can receive free sexual and reproductive health services, LWC’s approach to sexual relations negatively impacts the health of refugees in many ways. While their religious beliefs must be respected, it is unacceptable for refugees’ health to be the compromised point, especially since those who are most affected are the most vulnerable of this already vulnerable population. Sexual and reproductive health is a health issue- not a moral one.

Due to the stigma attached to being a refugee, and especially in the case of the “Spanish Gyal” imaginary, refugees often encounter discrimination when seeking sexual and reproductive



health services in Trinidad and Tobago. This restriction particularly affects vulnerable sub-populations of refugees including women (especially those who are single and pregnant), sex workers, people with HIV/AIDS, LGBTQ people, Spanish native-speakers, and those from a lower socio-economic status or educational background. Even if a refugee had the time to risk travelling to a public hospital to address their sexual and reproductive health needs, they might be turned away, encounter verbal discrimination, or have the police called on them. Fortunately, there is a place that provides stigma-free sexual and reproductive health services at low or no cost specifically to refugees: the Family Planning Association of Trinidad and Tobago (FPATT), conveniently located 10 minutes from LWC. However, LWC staff are not allowed to refer refugees to this organisation as per LWC's Catholic policies. This restriction has severe consequences for the "poorest of the poor" whom LWC serves.

LWC staff expressed concern over the effects this restriction has on refugees, regardless of their own personal religious and moral beliefs on sexual relations. At the same time, they were hesitant to go against their employer's rules, especially since these rules are rooted in religious beliefs. As a result, MRM and UNHCR staff attempted to meet the sexual and reproductive health needs of their refugee-clients while respecting the rules and values of LWC. For example, if a refugee requested sexual and reproductive health services, the MRM staff member would forward their contact number to a UNHCR colleague who would then get in contact with the refugee about FPATT. One LWC staff member described such a situation:

I had somebody this week, literally, she's like "I need to go." She was going through some stuff down there and was in a lot of pain. She was like "I need the pap smear. Please tell me where it is." I said, "Give me your email address or your number and I'll get back to you." She's like "You can't tell me now?" I didn't know how to explain to her that we're a Catholic organisation and we didn't have - and honestly (whispers) I told her where it was. It's the first time I ever did. (normal voice again). You know I don't want to break any rules or anything 'cause I understand the stance of the Church- I get that, I would never be ignorant to it, but it's just like, what?? And it does hinder our jobs cause we have a lot of persons who are pregnant and we just want to tell them "go Family Planning, get some sort of contraception". . . That is the reality of it, they are going to have sex. . . why can't we just let them know "Please, please, this is not only gonna help you not to have children but also to protect you"- know what I mean. And at the end of the day, regardless, people are gonna have sex whether you want them to or not.

As seen in the above example, the effects of LWC's policies regarding sexual relations have severe consequences in the lives of refugees. These consequences go beyond limiting knowledge of and access to materials to practise safe sex. It extends to cancer testing, pre- and post-natal health care, and more.

The effects of LWC's approach to sexual activities also perpetuate the modern/colonial gender system. One example of this is the way that sex education is talked about at the learning center for refugee children. While the learning center does not shy away from implementing some kind of education, the Church's teachings influence its content and delivery. A subject participant discussed what sex education at the learning center was like:

Of course, it's always best to teach (the children attendees) about abstinence and whatever but it's good to let them know there are risks and in putting the risks out there,

they can then decide for themselves. And I think teaching values as well. Teaching them about self-respect, 'Okay, ladies, you know...' Asking questions and letting them come up with answers for themselves.

In this explanation, sex is presented as a dichotomy between abstinence or risks, with the border between the two being a woman's "self-respect". While the subject participant mentioned providing the children with information so they might decide for themselves whether to participate in sexual activities, the "sex education" is wrapped in religious ideas of morality, gender, sex, and sexuality. Information about how to have safe sex is not mentioned, but "values" and a woman's "self-respect" were.

LWC was frank about its positionality regarding such matters when it first partnered with the UNHCR. According to a LWC staff member, "(The UNHCR) are completely aware that they are connected with a Catholic NGO and they hashed it out from the start- this is what we will do and this is what we won't do." With attention on refugees increasing due to the high number of incoming Venezuelan refugees in the past few years, UNHCR has made some steps to address this gap in refugee protection. In the last year, the UNHCR has partnered with FPATT as well as The Rape Crisis Society to provide services with Spanish-speaking translators to refugees. Thus far, the FPATT partnership had an extremely high turn out which was well received by over a hundred of refugee women. However, this short term project was only implemented in the past year while LWC has been acting as the UNHCR's implementing partner since 1989. It is unacceptable that refugees sexual and reproductive health has been compromised for so long, and is not being addressed with urgency to find a long term comprehensive solution. As the main primary provider of services to refugees in Trinidad and Tobago, the effects of LWC's approach to sexual activities have a significant impact on refugees. While it is important to respect the organisation's faith-based policies, it is unacceptable for the sexual and reproductive health of refugees to be compromised.

## PART II EVERYDAY OPPRESSION/ EVERYDAY RESISTANCE

### WORK

Work is the number one issue affecting refugees in Trinidad and Tobago<sup>70</sup>. Chapter III “Gainful Employment” of the 1951 Convention specifies contracting states must allow refugees the right to work that is at least as favourable as those afforded to foreign nationals or “In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already except from them at the date of entry into force of this Convention for the Contracting State concerned.” The right to work covers wage-earning employment, self-employment (including agriculture, industry, handicrafts and commerce, commercial and industrial company establishment), and liberal professions (those requiring diplomas).<sup>71</sup> Beyond it being a violation of the Convention and Protocol which Trinidad and Tobago is accountable to, not providing a system for refugees to work for a living continues the colonial/capitalist project of designing an informal labour pool where workers are subject to exploitation and afforded no rights as workers or people.

UNHCR does provide some financial assistance to refugees under the new cash-based intervention program. However, this funding is severely limited resulting in a new approach of distributing funding only to the most vulnerable of the already vulnerable refugee population. What qualifies as vulnerable is not publically accessible and especially not communicated to refugees/asylum-seekers. LWC staff explained that the reason for this was to prevent applicants from lying about their situation to receive more aid. A list of characteristics of vulnerability were used to assess the level of vulnerability of persons with factors such as having a disability or health concern that prevents one from working, being a pregnant, and having dependents as examples of what classified as vulnerable characteristics. Interviewed refugees reported themselves or refugees they know having multiple of these characteristics but not qualifying for cash assistance, or not receiving enough financial aid to meet need.

**Entrevistadx:** ¿Cómo tú y los otros solicitantes de asilo sobreviven sin las protecciones legales de trabajo, de educación, de salud?

**Entrevistadorx:** Sentimos explotados. En un caso de un refugiado, que por 12 horas le pagan 100 TT y tiene que trabajarlo. Tiene dos niños y una mujer. No tiene con que pagar renta, pero no son vulnerables para Living Water

***Interviewee:** How do you and other asylum-seekers survive without the legal protections or work, education, and healthcare?*

***Interviewee:** We feel exploited. In the case of one refugee, who for 12 hours they paid 100 TT and he has to work it. He has two kids and a wife. He doesn't have anything to pay the rent, but they're not vulnerable [enough] for Living Water*

In general, there was confusion and frustration regarding the limited financial assistance which could be resolved with greater transparency and accountability systems in place- if not publicising the list, at least notifying that such a system occurs. LWC and UNHCR staff are put in a twist where they cannot and should not tell refugees/asylum-seekers to work because their illegal

<sup>70</sup> Consensus amongst all subject participants.

<sup>71</sup> Convention and Protocol Relating to the Status of Refugees, 22-23.

status exposes them to a high risk of exploitation and arrest, as well as risk their partnership with the Immigration Division. Let me be clear here, LWC and UNHCR DOES NOT tell refugees/asylum-seekers to work in Trinidad and Tobago. They DO inform them that working as a refugee/asylum-seeker is illegal in Trinidad and Tobago. However, unless the government of Trinidad and Tobago would like the problem of disposing of thousands of starved dead bodies, an increase in stealing, and an increase in homelessness and street begging, undocumented forced migrants including refugees and asylum-seekers go to work in the informal sectors of Trinidad and Tobago. The following extracts from two interviews with two different refugees show the situations that force asylum-seekers to work despite the risks.

**Entrevistadorx:** ¿Cuáles son las mayores dificultades que confrontan los refugiados en este país?

**Entrevistadx :** Primero el idioma, es una de las barreras. El otro es que la mano de obra del venezolano aquí está muy muy mal pagada. Y tal mal pagada que muchas veces los ponen a trabajar y no los pagan. Lo que más paga aquí es la construcción por supuesto todos los venezolanos vienen a trabajar en la construcción porque se paga 250 TT de lunes a viernes. La vivienda aquí no es nada barato. Es costoso. Y nosotros vinimos sin nada. Y entonces teníamos que buscar una vivienda que tenga todo. Una vivienda que tenga todo es de 3.000 TT en adelante. Y si tú te pones a sacar cuenta, si solamente el hombre trabaja, con 250 TT por cinco días se hace 4.000 TT al mes aproximadamente. Pagas 3.000 TT en vivienda y 1.000 TT para comer y el transporte.

**Entrevistadx:** La vivienda: hay muchas personas aquí que no pueden pagar una renta de 3000, 4000, y 5000 TT. Dígame cómo pago yo una renta con mis 3 niños si no tengo un permiso, si no tengo un lugar de trabajo donde ir y saber que este trabajo me va a dar esta cantidad para pagar. Si usted pone a sumar, son 3000 en renta, un lugar que no es acondicionado totalmente, comprando pocas cosas 800, la semana de comida, 1600 en pasajes mensualmente, merienda de los niños, las ropas de los niños que gracias a Dios hay personas que cuando

**Interviewer:** *What are the biggest challenges that refugees face in this country?*

**Interviewee:** *First, the language is one of the barriers. The other is the labor of the Venezuelan is very poorly paid here. And so poorly paid that many times they make them work and they don't pay them. What pays most here is construction, of course, all Venezuelans come to work in construction because they pay 250 TT from Monday to Friday. Housing here is not cheap at all. It's expensive. And we came with nothing. So, we had to look for housing that had everything. A place with everything starts at 3,000 TT. And if you calculate, if only the man works, with 250 TT for five days a week, that makes 4,000 TT per month approximately. You pay 3,000 TT in rent and 1,000 TT for food and transportation*

a sus hijos no le sirven sus cosas, le quedan grande o le quedan pequeño, los donan y otros niños pueden beneficiar de eso. En mi caso no tengo cómo comprar unos zapatos a mis hijos. Ellos utilizan puras cosas que otras personas les regalan porque no tengo cómo comprárselos. Aunque mi vida ha sido un poco, o sea, no pasen hambre ni nada, pero no tengo cómo vestirlos. No tengo cómo comprarles sus cosas, no tengo... no es fácil.

**Interviewee:** *Housing: there are many people here who cannot pay a rent of 3000, 4000,*

*5000 TT. Tell me how I pay rent with 3 children if I don't have a permit, if I don't have a job site where I can go and know that this job will give me this amount to pay? If you add it up, it's 3000 in rent, a place that isn't completely air conditioned, buying few things 800, a week of food, 1600 in transportation monthly, snacks for the children, clothes for the children, which thank God there are people who, when their kids' clothes don't fit, either they are too big*

*or too small, they donate them so other kids can benefit from it. In my case, I don't have any way to buy my kids shoes. They only use things that other people give them because I don't have the means to buy them [anything]. Although my life here has been a bit, I mean, they don't go hungry or anything, but I don't have a way to dress them. I don't have the means to buy them things, I don't... it's not easy*

Exploitation is rampant. All three refugees interviewed told personal stories of exploitation, including employers overworking them and underpaying them, refusing to pay for work, employers threatening to call immigration, and a case of an employer ignoring sexual harassment from another employee. There is always the threat and fear of being arrested for working 'illegally'. Refugees, mainly of Cuban and Venezuelan origin, have publicly demonstrated against the unjust position they are put in. Some refugees/asylum-seekers are more at risk for exploitation than others when working, including those who do sex work or work in bars (as places frequently raided by the police and associated with sex work), those who have other discriminated identities or "identifiable" characteristics or phenotypes such as LGBTQ+ people, those for whom English/Trini-English is not their first language and those that do not speak English, those who do not blend into 'what a Trinbagonian looks like'<sup>72</sup>, those with more dependants, among others. They found out about jobs by word of mouth or via social media, Whatsapp especially, with others in their situation:

**Entrevistadx:** ¿Cómo tú encuentras trabajo?

**Entrevistadorx:** Tomas el trabajo que tú consigues, son básicamente los trabajos que los trinitarios no hacen. Porque no les gustan. Entonces estos son los trabajos que han agarrado la gente. Mal pagado. Entonces, hay explotación. . .

**Interviewer:** *How do you find a job?*

**Interviewee:** *You take the job you can get, they are basically jobs that the Trinidadians don't do. Because they don't like them. So these are the jobs the people have taken. Poorly paid. So, there is exploitation, . . .*

<sup>72</sup> This is a tricky one. Through interviews, it was unclear what subject participants meant by "identifiable" persons. A Trinbagonian looks like everything because of the long history of migrations to Trinidad and Tobago. Many of the immigrating refugees/asylum-seekers today come from the same places as previous exoduses including Syria, Venezuela, and China. It is likely that phenotype was not as much of a factor as the 'foreignness' of an individual- such as where the person was located *and* how they looked racially/ethnically, what clothes they were wearing, what form of transport they were taking, where they were working, and the language they were speaking- anything that subtly or drastically interrupts the social norms of Trinidad and Tobago. It might also be useful to note that there were subject participants who reported being mis-identified as a Venezuelan refugee/Spanish-speaker because of their appearance, as well as subject participants who were of Venezuelan descent and spoke Spanish fluently but because of their appearance were not "identified" as Venezuelan refugees/non-nationals. There is perhaps no clear system why some people are "identified" and others not since it is so subject. However, there did seem to be a racial/ethnic and language component to it.

One example I heard through a subject participant was that LGBTQ refugees/asylum-seekers from the region shared information about queer-friendly employers and working places—such as a particular KFC store where the manager was queer or did not tolerate homophobia so it is now mostly run by queer employees. The work is gendered, with men doing mainly construction work and other manual labour, and women, many who were once worked outside of the house in their country of origin, being homemakers, or doing domestic work, or sex work. Based off of the interviews, refugees/asylum-seekers did not have stable jobs, many did a job here, a job there, whatever turned up. One subject participants mentioned how her son who works in construction would have to leave their materials like helmets, boots, security jacket at the construction site in case the police stopped them, to avoid being imprisoned.

Some classic stories about work from refugee subject participants are shown below

**Entrevistadorx:** ¿Cómo tú y otros solicitantes de asilo sobreviven sin las protecciones legales de trabajo, educación, y salud? **Interviewer:** *How do you and other asylum seekers survive without the legal protections of work, education, and health?*

**Entrevistadx A:** Yo, en mi caso, hago magia [se ríen]. Yo limpio casas, limpio vidrios, limpio reja, hago jardín, colaboro en algunas partes, también hago comida por en cargo. O sea, mi día no es fácil. Yo no sé cómo estoy aquí ahorita, pero mi día no es fácil. Mi día empieza a las 3 de la mañana y termina a veces a las 9-10 de la noche. **Interviewee A:** *In my case, I do magic [both laugh]. I clean houses, I clean glass, I clean grills, I do gardening, I collaborate sometimes, I also make food to-go. I mean, my day isn't easy at all. I don't know how I am here right now, but my day is not easy. My day starts at 3 in the morning and ends sometimes around 9-10 at night.*

**Entrevistadx B:** Los hombres, les tocan mayormente trabajar la albañilería, cosas que no se van a pagar bien pagadas. Muchos de ellos pasan todo un día trabajando para ganar 150 TT. Es bastante fuerte que una persona tenga que trabajar todo el día de las 6 de la mañana hasta las 4 o 5 de la tarde para que le den 150 TT. Y al final del día hay muchos trinitarios que les pone a trabajar una semana y cuando llega el fin de la semana, no les pagan. No les pagan, y si les pagan, les quedan 2 días debiendo, y así se van saltando. La persona no tiene permiso de trabajo, no tiene cómo reclamarlo, no tiene dónde ir a denunciar, no tiene derechos. Significa que el trinitario que les pone a trabajar les paga si quiere. Mi consejo para el que viene llegando y va a trabajar, yo siempre les digo, “trabajan por día.” Día trabajado, día pagado. No les importa que les paga 150 pero tú te estás yendo con 150 en la mano.

**Entrevistadorx:** Exacto

**Entrevistadx:** O sea, no es mucho. Yo siempre me conformo, por ejemplo, voy a hacer un trabajo en una casa, voy a limpiar una casa, voy a limpiar unos vidrios, yo siempre me conformo, o sea 150 o 200 porque no estoy en mi país, porque no tengo cómo reclamar, no tengo cómo buscar un trabajo mejor. O sea, ¿Dónde reclamo yo? ¿A quien le digo? Cuando le digo a una persona... O sea, la primera cosa que me preguntan es ver mi permiso de trabajo.

**Interviewee B:** *The men, they've mostly had to work in construction, which isn't paid well. Many of them go a whole day working to get 150 TT. It's really tough when a person has to work all day from 6 in the morning until 4 or 5 at night for them to get 150 TT. And at the end of the day, many Trinidadians put them to work, and when the end of the week comes, they don't pay them. They don't pay them, and if they do pay them, they're missing two days of pay, and that's how it goes. The person doesn't have a work permit, they don't have any way to report it, they don't have anywhere to complain, they have no rights. This means that the Trinidadian who puts them to work pays them if he wants. My advice for those who come is, "work by day." Day worked, day paid. It doesn't matter if they pay them 150, but you are leaving with 150 in your hands.*

**Interviewer:** *Exactly.*

**Interviewee:** *I mean, it's not a lot. I always conform, for example, I'll do a job at a house. I go to clean houses, I go to clean glass/windows, I always conform. I mean, 150 or 200 because I'm not in my country, because I don't have any way to complain, I don't know how to look for a better job. I mean, where do I go to report? Who do I tell? When I tell a person... The first thing that they ask is to see my job permit.*

**Entrevistadx C:** Conseguí trabajo cerca de donde yo vivía en Diego Martin. Allí donde conseguí trabajo me pagaban 17 la hora. La mujer entonces primero me había dicho, “tú eres ayudante de cocina.” Entonces yo empecé como ayudante de cocina, la semana que estaba cocinando, y la próxima semana estaba cocinando estaba bregando y me pagaron una hora más. Pero yo estoy haciendo tres, cuatro posiciones por el mismo sueldo. Y le digo, ven acá. Cuando yo entré aquí había otra persona haciendo esto y otra persona cocinando. Y yo que era ayudante de cocina. Es un restorán, tiene bastante gente. Se vende desayuno, se vende almuerzo, yo estoy aquí desde las 5 de la mañana. Ya a las 5 de la mañana tú tienes todo tipo de panes hecho. Y yo inicio la parte de ayudante de cocina, pues. Yo no tengo por qué apurarme, mis horas de trabajo son 8 horas, tengo que cocinar, despachar, limpiar, y también de ayudante de cocina. Estoy haciendo las posiciones de los tres trabajadores. Me dijeron que iban a buscar otra persona, y entonces pasaron dos meses, pasaron dos meses, digo “mira, ha pasado tanto tiempo.” Un día, estaba con fiebre, un domingo, trabajo allí yo sola. Era domingo. Digo, “me siento realmente mal. Vine para ayudar con la preparación, pero ahora me voy porque me siento muy mal.” Entonces una, y esto y lo otro, y esto y lo otro. Y yo, no aguantaba me sentía demasiado mal. Le dije “lo siento, pero me voy.” “Pues no vengas más.” “Bueno, si así es, no vengo más.” “Vengo el 15 por mensual.” “No que eso no, el último.” “No, yo vengo el 15 por mi sueldo porque los 15 la gente cobra.” Y yo me estoy yendo un día cuatro... El 15 vengo por mi dinero. Mi esposo trabaja cerca

**Interviewee C:** *I found a job close to where I lived in (X) . There, I found a job that paid 17 the hour. The woman first told me, “You are kitchen help.” So I started out as kitchen help, the week I was cooking, and the next week I was cooking, and they paid me an extra hour. But I am doing three, four positions for the same salary. I say, “Come here. When I came here, there was another person doing this and another person cooking. I was the kitchen helper.” It is a restaurant that has a lot of [customers]. They offer breakfast, lunch, and I get here at 5 in the morning. Already at 5 in the morning, you have all types of breads made. And so I begin my part as kitchen helper. I don't have any reason to hurry, my hours of work are 8 hours; I have to cook, serve, clean, and also help in the kitchen. I am doing the work of 3 workers. They told me they would look for another person, and so two months go by and [another] two months go by, and I say “Look, so much time has gone by.” One day, I had a fever, a Sunday, and I work there alone. It was a Sunday. I say, “I feel really bad. I came to help with the preparation, but I’m leaving now because I don’t feel well at all.” So, one thing after another, and another. I couldn’t bear it anymore, I felt terrible. I told her, “I’m sorry, but I’m leaving.” “Well, don’t come back.” “Ok, if that’s how it is, I’m not coming back.” “I’ll come back on the 15th for my monthly [pay].” “No, [that was the] last one.” “No, I’m coming on the 15th for my salary because people get paid on the 15th.” And I was leaving on the 4th... The 15th, I go for my money. My husband works close to the restaurant. And the day I go for my money, the woman is not there, her*



de este restorán. Y el día que vuelvo para el dinero y la mujer no está allí, está el esposo. “Bueno no está.” “¿Cuándo está ella?” “Mañana” “Ok, mañana vengo.” Mañana voy y dice “yo no tengo el dinero” “Bueno, ¿cómo hacemos? Porque yo necesito mi dinero” “Voy a llamar a inmigración” “Llama a quien tú quieras, pero tú puedes salir peor por contratar ilegales. Yo no estoy ilegal aquí. Y si yo tengo que pagar un abogado, para que tú me pagues el sueldo, y después demanden por violación a mi derecho, yo lo voy a hacer. Pero tú me pagas.” “Ven mañana por tu dinero.” Yo voy sola, pero con el movimiento extraño de llamar a migraciones y todo, llamo a mi esposo y le digo “ven.” Mi esposo va. Y ella, “él se queda afuera.” “No él viene conmigo” “Aquí esta lo tuyo.” La mitad del sueldo. Digo “no, tú me debes 2800.” Sacó la cuenta y me pagó 50 TT menos. Me paga molesta porque mi esposo vino y estuvo conmigo y se lo dijo “le pagas o sino hoy mismo voy a la Administración del trabajo y tú vas a tener que pagar una multa para poder para contratar ilegal. Y lo vas a tener que pagar a ella. El derecho de trabajar es un derecho humano.” Entonces, la tipa pagó eso y falta 50 TT. “No, no falta 50, chica déjalo así. Los 50 son por el delantal de tela y gorro.” Y me fui. Me pagó hasta el último centavo. Pero muchos no hacemos eso.

*husband is. “Well, she’s not here” “Well, when will she be?” “Tomorrow.” “Ok, I’ll come tomorrow.” Tomorrow I go, and she says, “I don’t have the money.” “Well, so how is this going to go? Because I need my money.” “I’m going to call immigration.” “Call whomever you want, but you can end up in a worse position for contracting illegals. I am not illegal here. And if I have to pay a lawyer for you to pay my salary, and then they declare [this to be] a violation of my rights, I will do it. But you have to pay me.” “Come tomorrow for your money.” I go alone, but with the strange motion of calling immigration and everything, I call my husband and say “come.” My husband comes. And the woman? “He stays outside.” “No, he is coming with me.” “Here is your [money].” Half of the money... I say, “no, you owe me 2800.” She opens the account and pays me 50 TT less. Annoyed, she pays me because my husband came and was with me and said, “Pay her or today I will go to the Labor Administration and you will have to pay a fine for contracting illegals. And you will have to pay it to her. The right to work is a human right.” The woman paid it but 50 TT was missing. “No, girl, 50 TT is not missing, leave it like that. The 50 are for the apron and hat.” And so I left. She paid me till the last cent. But many of us don’t do this*

Despite the very real threats made by her previous employer, this subject participant stood up for herself and was able to get almost all of her due pay. Some things to consider for this case are that this person had just left another job where she was sexually harassed but the employer did nothing (the job was better paying), that her husband was Trinidadian, and that she had a legal background- all of which provided some layer of privilege which other refugees/asylum-seekers may not have. The other subject participants also took measures against exploitation or specifically noted that they would complain and explain their situation to their employers if they felt they were being exploited. One subject participant asked her employer how much she would be paid for each service before she did it, although admitted that she was not always sure how much the jobs she did should cost because she had never done them before. Despite all three subject participants demonstrating courage or positionality where they would speak up or had spoken up if exploitation occurred, they also recognised that there were many others in worse positions than them; some who chose to do sex work, and some who endured exploitation due to necessity and fear of speaking up. For example, see the extract below which refers to women who work in bars, often an allusion to sex workers:

**Entrevistadx:** . . . nosotros no vinimos aquí, por lo menos, yo no vine aquí para hacer ningún trabajo deshonorado. No todos somos iguales. No niego que hay muchas personas cosas de que no deberíamos hacer, pero no somos todos. Y las personas que tal vez vienen a hacer otras cosas lo hacen por necesidad. Por ejemplo, hay mujeres que trabajan en bares. Esas mujeres no lo hacen porque quieren sino porque no tenemos un permiso de trabajo como trabajar legalmente. Yo, en mi caso, gracias a Dios, no he tenido que—no me ha tocado trabajar eso. Pero sí, entiendo varias posiciones, ya que, o sea, me ha tocado hablar con muchísimas personas que trabajan en eso, y yo les entiendo porque llegan aquí sin ningún permiso de trabajo, sin nadie que le tiende la mano y—

**Entrevistadorx:** No tienen otra alternativa.

**Interviewee:** . . . we didn't come here for any dishonorable job. Not all (refugees/asylum-seekers) are the same. I don't deny that there are many people who do things they shouldn't, but not all of us. And the people who perhaps come to do other things, they do them by necessity. For example, there are women who work in bars. These women don't do it because they want to but because they don't have a work permit to work legally. In my case, thank God, I haven't had-- I haven't had to take up that job. But yes, I understand various positions, because, I mean, I've talked to many people who work in that, and I understand them because they come here without a work permit, without anyone to offer their hand and--

**Interviewer:** They don't have another alternative

## EDUCATION: LOSING A GENERATION

Prime Minister Keith Rowley described Trinidad and Tobago as a “generous and caring people” who were being misrepresented by UN spokespersons after the UNHCR publicly condemned the deportation of over 80 Venezuelans to Venezuela.<sup>73</sup> Nowhere is his claim more hollow than the lack of access to education for refugee and asylum-seeking children, including unaccompanied or separated children. At the time of the interviews registered unaccompanied children numbered 29 and the total number of registered children with the UNHCR was over 350, with some subject participants estimating that 500-600 children were in the country including the unregistered.<sup>74</sup> It is safe to assume that these numbers have increased as large numbers of asylum-seekers continue to register with LWC/UNHCR every day, 40-80 a day, according to subject participants.

Trinidad and Tobago has the legal obligation to ensure that all children, regardless of citizenship/immigration status, not only have safe, free access to elementary education but that their education is mandatory, as per the 1951 Refugee Convention and Convention on the Rights of the Child. The latter Convention also states that secondary and tertiary education be made accessible to all.<sup>75</sup> While the 1951 Convention speaks specifically on the rights of children who are refugees/asylum-seekers, the Convention on the Rights of the Child under Article 22 specifically writes that States Parties must ensure protection and humanitarian assistance of children who are refugees/asylum-seekers, whether unaccompanied or accompanied with special protections being made for those who are without parents or guardians.<sup>76</sup> An IOM study in September 2018 found that 80% of Venezuelan refugee children did not have access to formal education, with over 75% not having access even after a year of being in Trinidad and Tobago.<sup>77</sup> Those who were able to gain access to registered schools, often through humanitarian connections, could not be officially registered and thus cannot sit national exams which would certify completion of their education. Additionally, Regional Coordinator Rochelle Nakid and LWC Protection Advocate Andrew Welch noted that there was a preference for enrolling (approved) refugees over asylum-seekers and little capacity for accommodating unaccompanied or separated children, with a need for bilingual personnel.<sup>78</sup> In late January 2019, PM Rowley publicly commented that the government is working on providing work permits and access to education for Venezuelans in Trinidad and Tobago.<sup>79</sup> Tangible effects behind this declaration are much needed and long overdue. Furthermore, it is essential that the beneficiaries include more than persons of Venezuelan origin. In the absence of access to education, some schools have agreed to take in

<sup>73</sup> Ibid, C News Live: Archive 1. Post Cabinet Media Briefing.

<sup>74</sup> According to subject participants who worked with LWC.

<sup>75</sup> “Convention on the Rights of the Child.” *OHCHR*, [www.ohchr.org/en/professionalinterest/pages/crc.aspx](http://www.ohchr.org/en/professionalinterest/pages/crc.aspx). Article 28, p. 8. Convention and Protocol Relating to the Status of Refugees Article 22, p. 24.

<sup>76</sup> Convention on the Rights of the Child, Article 22, p. 6.

<sup>77</sup> IOM, Monitoring Venezuelan Citizens Presence. vii, ix.

<sup>78</sup> Nakid and Welch.

<sup>79</sup> Refugees International. Trinidad and Tobago to Take Steps to Increase Protections for Displaced Venezuelans. ReliefWeb. Published 1 Feb 2019. Accessed 10/4/2019.

children although there are limited spaces and no official transitional system, some online education programs<sup>80</sup>, and a small learning center designated for refugee children.

The learning center is a project of LWC and is mainly funded by UNHCR. The day to day operations are run fairly independently, as with LWC's other ministries. It has a capacity for 180-200 children and serves ages of about 5 to 18 years. The learning center started with the aim of offering private English lessons to the children, but at the demonstrated need expanded to include other subjects including math, social studies and lessons on culture in Trinidad and Tobago. These cultural classes operate on a 'trial and error' syllabus that includes key elements to understanding and navigating Trinidad and Tobago and its cultures, such as travel phrases, lessons in what is accepted and what's considered 'abnormal/rude', how to ask for help, different religions in Trinidad and Tobago, and so on. The learning center is shrouded in secrecy and precautions in order to protect the attendees. The learning center is NOT a school, not does it aim to be. As one of the subject participants who works there said, it started off a place for English lessons, and now its a temporary learning center, "with the hope that at some point someone will say "hey the kids have the right to go to school." We're just hoping for the best but in the meantime, we're trying to prepare them for the day that something will come out of it." It operates as a temporary learning center as negotiations between UNHCR/LWC and the government continue about ensuring that all children, especially refugees/asylum-seekers have access to education in Trinidad and Tobago.

As one of the refugees interviewed said, education should not even be up for negotiation. It is ridiculous that the UNHCR/LWC entertains diplomatic conversations about the right for children to access education in Trinidad and Tobago. This subject participant related:

<sup>80</sup> Response for Venezuelans. Caribbean Situation Report. January/February 2019. [reliefweb.int/sites/reliefweb.int/files/resources/document\\_94.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/document_94.pdf). 2.

**Entrevistadx:** Como derecho universal, la educación básica por lo menos debe que ser gratuita.

**Entrevistadorx:** ¿Y obligatoria?

**Entrevistadx:** Y obligatoria... Es simple, una cosa no tiene que ver con la otra. No tiene que ver que tú negocias con el gobierno, no tiene que ver con los derechos que tiene el ser humano. Los niños independientemente, que sean refugiados o no, tiene derecho a la educación... y es obligatorio. Porque algunos no han tomado sus acciones para exigir el cumplimiento de derecho de esos niños para que sea certificado su nivel escolar, como debe ser. Porque estoy hablando de conversaciones con el gobierno... esto no tiene nada que ver. Una cosa no tiene que ver con la otra, y mis derechos no puedes negociar tú. Yo no puedo negociar los tuyos. Mis derechos son mis derechos. Entonces, pasa lo siguiente... bajan los recursos todos a Living Water... abren un colegio que no está cuestionado en ninguna parte y que no está bajo ninguna supervisión, ni registro para los niños cuando pasan de un nivel a otro tampoco.

**Interviewee:** *As a universal right, basic education should at least be free.*

**Interviewer:** *And mandatory?*

**Interviewee:** *And mandatory... It's simple, one thing is unrelated to the other. It has nothing to do with you negotiating with the government, it has nothing to do with the rights a human being has. Children, independently, whether they are refugees or not, have the right to education... and it's mandatory. Because some [people] haven't taken action to demand the compliance of those children's rights so their school level is verified, as it should be. Because I'm talking about conversations with the government... that has nothing to do [with..]. One thing has nothing to do with the other, you cannot negotiate my rights. I cannot negotiate yours. My rights are my rights. So, the following happens... they trickle down the resources all to Living Water... they open a school that is unquestioned in no aspects and that is not under any supervision, nor child registration when they go from one grade to another.*

All the refugees interviewed justifiably expressed concern that the learning center is more of a “daycare” than a school, specifically mentioning that children do not graduate with a recognised certificate, multiple age groups are consolidated into a few classes, the curriculum is not accredited nor rigorous enough, and most teaching personnel do not speak Spanish. The below quotations expand on some of these points,

Mira, yo estoy agradecida con ellos por aceptarme a mis niños, pero no es una escuela como tal porque allí los registros de primer grado, segundo grado, tercer grado... esto no es reconocido a nivel ni aquí, ni en Venezuela, ni en ninguna parte. Es como una guardería. O sea, yo les agradezco porque me tienen a mis hijos, incluso, mi niña mayor ha aprendido su

*Look, I am grateful to them that they accept my kids, but it's not your average school because the first grade, second grade, third grade registration.... This isn't recognized neither here, nor in Venezuela, and nor in any other part. It's like a daycare. I mean, I am thankful that they take my kids, my eldest daughter even learned her English there, I mean she must be*

inglés allí, o sea, debe estar hablando con los profesores... porque las tareas no son como grandes tareas. Es una guardería prácticamente. Entonces me gustaría que esto cambiará porque la educación es algo que debería ser prioridad para los niños porque son el futuro independientemente si es aquí en Trinidad, si es en otro país del mundo porque si esos niños crecen y se quedan aquí en Trinidad, yo creo que el presidente u otra persona no le gustaría tener por las calles una persona que no sepa nada que hacer, que no tenga educación, ni que tenga nada, ¿entiende? Entonces, deberían, o sea, prestar la atención a eso.

*talking with the teachers... because the homework isn't even anything substantial. It's practically a daycare. So, I would like that to change because education is something that should be a priority for kids because they are the future, independent of it being here in Trinidad or another country in the world. Because if these kids grow and they stay here in Trinidad, I think the President or [any] other person would not like to have them on the streets, a person who doesn't know how to do anything, who doesn't have an education, nor has anything... understand? So they should pay attention to that.*

Another subject participant said:

**Entrevistadorx:** ¿Las maestras en la escuela de Living Water no son bilingües?

**Entrevistadx:** No.. o por lo menos de lo que yo entendí. Por la manera que...Me acuerdo que mi nieta el primer día, bueno, lloró y pataleó y salió corriendo porque ella le explicaba a la maestra y ella no le entendía. Y entonces sin embargo nosotros hablando con la niña que tiene solo cuatro años, explicarle que tiene que tener más... pero estuvo una semana muy fuerte tanto para las maestras como para ella.

**Interviewer:** *The teachers in the Living Water school aren't bilingual?*

**Interviewee:** *No, at least from what I understand. The way which... I remember that my granddaughter on the first day cried and kicked and left running because she was trying to explain to the teacher and she didn't understand. So, nonetheless, we were talking with the little girl, who is only 4 years old, explaining that she needs to have more... but it was a very tough week equally for the teachers and for her.*

That the majority of the teaching personnel do not speak Spanish was a deliberate choice made by the center's director in an effort to immerse the children in an environment where they would have to learn English, specifically with Trinidad and Tobago accents, quickly. These teaching personnel were oriented with relevant trainings on the refugee/asylum-seeker situation, as well as cultural backgrounds. There are Spanish-speaking teaching personnel and administrators at the learning center, including some who are from the refugee population themselves and some who are of dual-nationality and are familiar with both cultures and languages. These persons in particular have proved to be respected by attendees as role models who understand where they have come from, but also act as a bridge into the society of Trinidad

and Tobago and encourage them that integration<sup>81</sup> is possible. A subject participant who works at the learning center reported that due to the intensive language immersion and cultural lessons, about 80% of the attendees have reached a level of cultural and English proficiency where they can get around decently.

The amount of care and responsibility that administrators and teaching personnel put into meeting the needs of these children is a powerful witness to humanity and justice. While it is not perfect, it is constantly adapting and bettering the services that it provides. That the children need access to Trinbagonian schools is undeniable. At the same time, the quality and specificity of teaching personnel, administrators and personnel at the learning center to refugees/asylum seekers needs is phenomenal and, honestly, unlikely to be recreated in local schools. Extreme care is taken to maintain the invisibility of the learning center in order for it to operate without trouble for the attendees and their guardians/families. One subject participant stated that the learning center has a reputation of being “harder to get into than the embassies.” with even those expressing interest in enrolling going through a screening process. In a tiny two-island country where “macoing”<sup>82</sup> seems to be a national pastime, this is no easy feat. The subject participant explains that beyond the screening of all who work with the learning center and explaining their secrecy, the teaching personnel are ingrained with responsibility for how their actions and words can affect the attendees, “ At the end of the day, if something happens to that child it's going to be your responsibility- not LWC, not (the Director's), but yours.” and they further expand on this feeling of responsibility,

I have always been very conscious of the fact that first I am dealing with children, minors in particular, so anything happening to them, at the end of the day it's my responsibility and I don't take that lightly. In a normal school setting I would still feel this kid is my responsibility, but it's been heightened by what I may have heard has been happening or has happened to persons of interest. And of course we've heard stories of some being kidnapped by even their own embassies and so I would just like to avoid (anything that appears to be) harmful (to the children)

In leaving their previous teaching position for the learning center, the subject participants who work there said that many people told them they would be committing “professional suicide,” and to think hard about the decision. However, the subject participants admitted while laughing,

**Interviewee:** I didn't. I really didn't. (Think twice about working at the learning center)

**Interviewer:** (laughing) Honestly!

**Interviewee:** Honestly, I didn't think about it. Cause for me, I see a child and it's a child and I don't care where they're from, you're supposed to be human before you're anything else. I can't call myself an educator unless I think like that. Everything I've ever done, even when I did my masters before this project, it always dealt with the humanistic aspect of teaching.

<sup>81</sup> Integration in this sense does not mean erasing or diminishing the culture and experiences that persons carry with them to a new place or society. It is a fluidity between and understanding of both cultures and their nuances. It is not assimilation into the host culture or society.

<sup>82</sup> Eavesdropping.

Based on the interview, it seems as though the attendees at the learning center, while facing real violations of their rights in multiple regards, have found a place of hope due to the dedication of the teaching personnel and staff there. Based on the interviews with refugees, I don't think they understand how much the local education system is inadequate in meeting the needs of Trinbagonians. In many ways, the quality of the care that attendees of the learning center face are not available at local schools, even to Trinbagonians, despite the high need for it. This quotation from the subject participant captures the essence of this argument,

I admire the people I work with. I have not seen it anywhere. Not even in private schools where people are paid a lot. I've seen a sort of dedication and that comes only from the heart. I wish that you could meet them, you would understand why I say that.

Spoken with a profound genuinity, this person who has worked as an educator in schools across the country for many years, mentions that the dedication is even better than at private schools, where teaching personnel are paid large sums and which have a reputation for quality care and interaction with students. At the forefront of the positives of the learning center are the teaching personnel and staff. Some of the ways they go above and beyond in catering to refugees/asylum-seekers specific needs are maintaining secrecy about their work, holding themselves accountable for the wellbeing of the children, sacrificing professional goals and higher paying salaries, and providing daily transport and meals to attendees. Additionally, special care is taken to be sensitive to the specific trauma of the attendees. The 'contact hours' between teaching personnel and attendees is from about 8am to 4pm, however teaching personnel spend multiple hours after each day of classes debriefing with each other in a support group, meetings and class planning. The strong support system and daily communication between teaching personnel, administration and staff- including a newly hired counselor- enable them to collectively build a web of sensitivity to each child's needs and struggles. Learning center staff have an open-door policy so any attendee can come to them to discuss issues. There is another unofficial policy of not pressuring the attendees into discussing what they are going through, within reason of course. For example, if a child 'acts up' in class, teaching personnel will not treat the child as if they are doing it on purpose and punish the child (as is commonly done in Trinbagonian schools). That being said, the task of providing quality care to the diverse group of refugee children in Trinidad and Tobago certainly needs to be rethought and more specified trainings and resources need to be channelled to these students, especially the minorities among them such as those with special needs and those who are not from Venezuela or Cuba. This will not only serve the children who benefit from this, but also the learning center employees who are placed under tremendous amounts of stress, work long hours, and are not given some of the skills to deal with these children's specific concerns. While this is a common occurrence in teaching and humanitarian work, it is unacceptable that such important work is undervalued. Furthermore, in the words of a refugee who has children/grandchildren enrolled:



**Entrevistadx:** Yo no quiero que mis nietos queden como unas personas malas. Yo quiero que estudien, que se preparen, que estudien una carrera que les guste y que sean seres productivos para el país de donde estén—puede ser Venezuela, puede ser aquí. Pero que sean seres, que sean profesionales, que puedan aportar al país... el inmigrante también con ese sueño sale, de poder participar en la escuela, de poder aprender el idioma, de poder estudiar. Porque nosotros vinimos de Venezuela nosotros no vinimos a estudiar.

**Entrevistadorx:** Exacto.

**Entrevistadx:** En Venezuela, la educación es primordial. La educación y la salud—son derechos. Y son derechos hasta para los inmigrantes. Una migración muy planificada que la hizo Marco Pérez Jiménez. Cuando esta inmigración llegó, llegó con casa y con trabajo. Llegó bien planificada y pudieron venir con sus familias y sus niños. Estudiaron, aprendieron otro idioma, y se integraron. La palabra es *se integraron* al país. Pero aquí no hubo una integración tal como esto, y una oportunidad como tal tampoco.

**Interviewee:** *I don't want my grandchildren to be bad people. I want them to study, to grow, to study a career they like and for them to be productive beings for the country that they are in—be it Venezuela or here. But that they are beings, that they are professional, and that they can contribute to the country... the immigrant also leaves with this dream, to be able to participate at school, to be able to learn a language, to be able to study. Because we came from Venezuela, we did not come to study.*

**Interviewer:** Right.

**Interviewee:** *In Venezuela, education is fundamental. Education and healthcare—they are rights. And they are even rights for immigrants. Marco Perez Jimenez laid out a very planned migration. When that immigration occurred, there were houses and jobs. It was a very well-planned migration, and they were able to come with their families and children. They studied, learned another language, and integrated themselves. The [key] word is they integrated themselves in the country. But here, there was no integration like that one, nor an opportunity for it.*

This subject participant draws on her knowledge and memory of how immigrants were treated by the Venezuelan government in comparison to how refugees are (mis)treated by the Trinidad and Tobago government. She highlights education as a right for all children regardless of their immigration status, as well as a mechanism for integration- which is productive and positive for migrants as well as the destination society.

Access to education which meets the needs of the refugees is not the only right being denied to these children. The fact that their parents and guardians do not have the right to work is one of their main struggles, as well as the constant threat of arrest, detention or deportation. Children are denied their childhood when they have to take up responsibilities to care for their younger siblings, in the words of a subject participant, the older children who often end up taking on these responsibilities while their parents are overworked for next to nothing are not old but just “older than” their younger siblings. Furthermore, children are inhumanely traumatised when they must be taught to distrust police officers and anyone in authority. A subject participant said that the children at the learning center run from anyone in a uniform- how would they, coming from different cultures and maybe not yet knowing which uniforms signal immigration and

police officers, and being such a young age, know how to tell the difference? Those children who look older than they are face an even greater risk if stopped by police or immigration officers because they might not be treated with the special care that children are supposed to be afforded.

It is clear that immediate action is needed on this matter. Drawing from the shortcomings, struggles, and dreams expressed in the interviews with Venezuelan refugees, 2 of whom had children or grandchildren enrolled in the learning center, and a Venezuelan-Trinidadian employee at the learning center, the following solutions are recommended and are essential for the well-being of the children and societies they are a part of. First, the government of Trinidad and Tobago must ensure that access to primary and secondary schools for all children in the country, including registered refugees/asylum-seekers and undocumented migrants or their children. To truly make these accessible, a transitory program, continued support system after enrollment, and widespread teacher and fellow students sensitisation trainings must be implemented. A facility, perhaps the learning center or something modelled after it, should provide an optional program that covers culture classes, psychological support from certified professionals, and English language classes. This specialised care must not be exclusive to registered refugees/asylum-seekers as children should never have to suffer the consequences of their parents or guardians migration decisions, or their own if they are unaccompanied or separated minors.

When the child is capable, they should be allowed to enroll in whatever primary school of their choice, or if they are of secondary school age, some system should be created in collaboration with secondary schools that allows them to request entry into the school. A system should be created in collaboration with secondary school principals and the Ministry of Education, which centers and implements the voices and needs of refugees/asylum-seekers and undocumented migrants. There is a national secondary entrance assessment (SEA) which places nationals based on their scores and school choices into schools around the country, and there are long waitlists of qualified children on certain schools. Perhaps a solution could be for each school to allocate a certain amount of enrollment/top waitlist spaces each year for non-citizen children who have not sat the SEA, in addition to those who enter through SEA placement. Perhaps this is the time for the Ministry of Education to rethink the SEA system which is well-known for letting numerous children slip through the cracks, especially those already disadvantaged due to learning ability or socio-economic background. Whatever the system is, there must be a trial period with independent reporting sensitive to non-citizen children's needs.

Once enrolled in local schools, the support and sensitivity to non-citizens needs must continue. Since the responsibility of refugees/asylum-seekers does not rest upon the host country's government alone, and since the schools in Trinidad and Tobago are already pressed for resources that meet the needs of their vulnerable populations, this need for continued support can and should be met with creative solutions that speak to all of these needs. For example, a UNHCR funded program which hires a team of mental health professionals<sup>83</sup> to be distributed at schools around the country, whose capacity and sensitivity to meeting non-citizens specific needs is increased through UNHCR trainings, but is available for citizens and non-citizens alike. An even simpler example could be the donation of school supplies to local schools where citizens and non-citizens are enrolled to be used by all students. Instead of systematically enabling a whole generation of children to be lost, creative changes to the current education system can create beneficial effects now and in the long-term not only for refugees/asylum-

<sup>83</sup> With special preference for local professionals and those who speak languages of refugees/migrants or have experience with the cultures these children come from.

seekers, nor citizens, but also all people who live for a period or sustained amount of time in Trinidad and Tobago. Changes like these, made in conjunction with other such as allowing non-citizens the right to work and access to health care, break the nation-citizen world order by recognising all people as worthy and due human rights, and the contribute to building a decolonised, liberatory society.

## WHO'S REALLY "ILLEGAL" HERE?: ARREST AND PROFILING OF REFUGEES

At the time of the interviews, LWC had a three-person legal staff dedicated to the Ministry of Refugees and Migrants whose duties included looking over the legal documents for the Ministry in general, as well as providing legal support to refugees/asylum-seekers. The majority of what they do is assisting people who have been detained, most of whom are detained for 'illegal entry' because they have no passports. The 'illegal' ports of entry include Cedras, Lociro, Chaguaramas, and Point Fortin. A study conducted by the IOM of over 500 Venezuelans in Trinidad and Tobago found that, of the 40% of respondents who shared details of their routes, 55% used passenger boats to travel to Trinidad and the remaining came by air, however transport type was highly dependent on age with persons under 40 years going by boat, and persons over 40 typically going by plane. Additionally, 73% of those interviewed went through an official point of access and sealed their passports. 13% of respondents mentioned travel difficulties including lack of economic resources, insecurity due to robbery, documentation problems, lack of food/water, lack of means of transport, deportations, arrests/detentions, lack of information, health issues, and no place to sleep.<sup>84</sup>

Arrests occurred not only at points of entry, but at places of work, and in public, often travelling. One LWC employee noted that arrests happened during everyday things:

So for example we had girls going buying chicken, they said, or just on the road, and the police looked at them, and because they're so identifiable, easily identifiable, they will ask for their documents, obviously many times they don't have no documents, except the card and the police would say "what is this? This is no form of document. Where's your passport that says you should be here? You have none." So they arrest them. Immigration is called, and then immigration would see assess their documents to see if they are in fact illegal and if they are illegal under the Immigration Act then they are charged with illegal entry.

As shown in this description, police officers profile refugees and undocumented migrants. The same subject participant later on tells the story of a refugee who was arrested on her way to LWC to become registered as a refugee. He says, "Again they're recognisable, so you wouldn't (find) Jamaican asylum seekers being detained. You would really find, persons from like Bangladesh or Sri Lanka being detained. You would find Syrians and Venezuelans." One refugee subject participant related that immigration had turned up at her place of residence twice on a day that she was protesting, looking for a reason to arrest her. The subject participant went on to say that 90% of persons detained were Venezuelans including women, men, and children, even unaccompanied and separated minors. The following report by a refugee subject participant confirms this:

No solo los solicitantes de asilo sino también los refugiados con estatus certificado, se	<i>Not only asylum applicants but also refugees with certified status find themselves facing</i>
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<sup>84</sup>IOM. Monitoring Venezuelan Citizens' Presence.

encuentran con persecución por parte de la policía que son los que deben proteger a nosotros... por parte de inmigración, las discriminaciones... bárbara. Con protección internacional tengo derechos en cualquier parte del mundo. Tengo derecho a la vida, tengo derecho a la libertad, tengo derecho a [inaudible]. Yo tengo obligaciones al país, pero el país tiene obligaciones conmigo, obligaciones de respetar mi derecho. Es muy simple; yo te respeto, pero ¿cómo exiges respeto si tú no me estás respetando?

*persecution by the police who are supposed to be protecting us... [also] by immigration, discrimination... barbarous. With international protection, I have rights anywhere in the world. I have the right to life, I have the right to liberty, I have the right to [inaudible]. I have obligations to the country, but the country has obligations to me, obligations to respect my rights. It's very simple; I respect you, but how do you demand respect if you don't respect me?*

Another refugee subject participant explained:

Tú oyes casos, como el caso de cómo la policía los baja de los maxis sin preguntar, sino solo el hecho de que sea un nuevo latino, te bajan... y cuando tú enseñas el papel del ACNUR de la Living Water, te lo rompen y te meten preso, tienes que pagar una fianza, que luego yo me entero que la fianza se tiene que regresar, pero eso no ha sucedido. Y si se ha sucedido, ha sido con muy poca gente.

*You hear cases, like the case of how the police stops the maxis without asking, purely for the fact that there is a new Latino, they stop you... and when you show them the UNHCR paper from Living Water, they rip it, and they put you in jail, and then you need to pay a bail, which I later learned that they need to return that bail, but that has not happened. And if it has happened, it has been with very few people.*

The Refugee Unit has endorsed the previous Order of Supervision and the recent Refugee Cards being given out by UNHCR, however, police officers are still arresting refugees who have them. What's more, refugees with their refugee cards, are still being fined for 'illegal entry'. The policing of people who 'appear' to be refugees, based on phenotype, language or other markers of identity/origin', along with the arrest, persecution, fining, and often deportation of refugees is a violation of the fundamental principles of the 1951 Refugee Convention and 1967 Protocol of "non-discrimination, non-penalisation and non-refoulement."<sup>85</sup> Furthermore, it specifically violates Article 26; allowing the freedom of movement of a refugee within the host territory<sup>86</sup>, Article 31;

Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1 (definition of refugee), enter or are present in their territory without authorisation, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence<sup>87</sup>

and Article 33;

<sup>85</sup> Convention and Protocol Relating to the Status of Refugees. 3.

<sup>86</sup> Ibid, 27.

<sup>87</sup> Ibid, 29.

No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular group or political opinion.<sup>88</sup>

## DETENTION AND STATE TERROR

In 2009 the Immigration Detention Center (IDC) in Aripo, also known as the Aripo Detention Center, was Established with a maximum capacity of 150 detainees. Before this, “illegal immigrants” were detained at the Maximum Security Prison in Golden Groove. At the time, there were 96 “illegal immigrants”, 26 women (20 from Columbia) and 70 men (Senegal, Guyana, and Columbia) being detained while their ‘voluntary return’ or deportation pended.”<sup>89</sup>

The detention of so-called ‘illegal immigrants’<sup>90</sup> exposes the legalised violence against undocumented migrants, including corruption and unequal treatment of certain groups of undocumented migrants. The Emancipation Support Committee (ESC) has long called attention to the discrepency of treatment of migrants, with migrants from the region and the African continent facing the worst treatment. Undocumented African migrants, including refugees, have been arbitrarily detained for long periods of time (up to three years), and been violently beaten and in one case, shot by detention officers, and deported en mass on chartered flights, against international human rights law. The treatment has been so terrible that detainees have attempted suicide before<sup>91</sup>. Over the years, African detainees, their families and the ESC have protested against their treatment in various ways, including staging hunger strikes<sup>92</sup>. Attorney Fareed Scoon, who represented Ghanian Musah Ibrahim in a deportation case, explicitly stated that “there is an “institutional difference” in the way certain nationalities are treated by the Immigration Division and this was a “policy decision.””<sup>93</sup> Having been one of the migrant groups present (and detained) in Trinidad and Tobago for the longest period of time, yet marginalised in discussions about undocumented migrants rights, the Chairman Kafra Kambon of the ESC questions why the few courtesies offered to other migrants are not extended to migrants from the African continent.<sup>94</sup>

In addition, at a JSC meeting in 2018, other violations at the IDC presented in reports by LWC and ESC include “physical, verbal and psychological abuse was the norm; bullying by officers; lack of medical care and treatment; sharing of bed space, leaks in dormitories and insect infestations; 15 day to two year stay at the centre with no definite end; detainees not being apprised of their right to a legal representative or to seek asylum; legal representatives and NGOs being denied access to detainees; no system to address the language barriers; and non-violent detainees

<sup>88</sup> Ibid, 30.

<sup>89</sup> Chan Tack. Detention Centre for Illegal Immigrants. Newsday. Friday 30 October 2009. Accessed 10 April 2019.

<sup>90</sup> Henceforth called undocumented migrants in recognition that no person is illegal and that, in the case of refugees- there ‘illegal entry’ is in fact pardoned under the 1951 Convention which Trinidad and Tobago has signed.

<sup>91</sup> Seelal, Naline. Mali Illegal Immigrant Attempts Suicide. Newsday. Wednesday 15 February 2012. Accessed 10 April 2019.

<sup>92</sup> Dowlat, Rhondor. Immigrants complain of Brutality at Detention Center. Newsday. Friday 11 June 2010. Accessed 10 April, 2019.

<sup>93</sup> Neaves, Julien. Discrimination against African immigrants. Newsday. Thursday 13 November 2014. Accessed 10 April 2019.

<sup>94</sup> Ibid.

being housed with those charged with rape and murder.” Furthermore, detainees who were separated from the general detained population included those with “illness, mental illness, breach of discipline or if a detainee with “homosexual tendencies” was being attacked by detainees,” rather than the 10% of detained persons who had committed criminal offenses.<sup>95</sup> Two further violations of rights that came up in interviews was the arrest and detention of children, including interrogating children without the presence of their parent/guardian, and not having a translator present, or the translator mistranslating or being xenophobic. For example, one translator told a refugee subject participant:

<p>“tienen que aprender a leer porque tú eres ilegal, no tiene nada que hacer aquí. Porque los refugiados aquí son ilegales.”</p>	<p><i>“you all have to learn to read (that) because you are illegal, you have nothing to do here. Because refugees here are illegal.”</i></p>
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National Security Minister Stuart Young related that over \$46 million TT had been spent on the IRC and detainees between September 2015- September 2018 (Neaves). How is it possible for \$46 million TT to have been spent on a place that is commonly described as a ‘living hell’? Certainly the money is not going towards running the facility of providing services like health care or decent living conditions. The government of Trinidad and Tobago is wasting resources on fear mongering the undocumented migrant and refugee/asylum-seeker population. By discouraging this population from reporting crimes and cases of exploitation, the government creates space for injustices that should be punished such as labour exploitation and gender-based violence against this population, which include migrant sex workers and Latinx women who are both especially exposed to sexualised violence.

Not only are governmental funds being flushed down the drain (more likely through corruption pipes to certain officials and companies pockets) of a ‘living hell’ that detains non-violent people for simply crossing a border, the majority of whom did not have a choice, but whatever little money undocumented migrants and refugees/asylum-seekers have is being legally and illegally stolen from them. Under the Immigration Act,

Every police officer and every immigration officer may, without the issue of a warrant, order or direction for arrest or detention, arrest and detain for an inquiry or for deportation, any persons who upon reasonable grounds is suspected of being a person referred to in section 9 (4) or section 22 (1) (i), and the Chief Immigration Officer may order the release of any such person. (21)

The people whom this refers to are paraphrased below:

9 (4): a person described in section 8 (1) (k) (l) (m) or (n) or a person who does or benefits from sex work or “homosexuality”, convicted of a crime with a 1 year or longer term, is a prison or reformatory inmate or has escaped from “lawful custody or detention under this Act”, was a member of a “prohibited class” at the time of admission or has since become a member, enters legally but overstays their time, entered on fake documents, returns or remains after deportation, was on an unapproved vessel that entered Trinidad and Tobago territory, or have broken their terms of entrance/visa. (16-17)

<sup>95</sup> Criminals and non-criminals mixed at Detention Centre. Newsday. Saturday 7 April 2018 Accessed 10 April 2019.

8 (1) (k) (l) (m) or (n): people involved in drug trade or consuming drugs, people planning on overthrowing or harming the government or the society, and those who are “mentally of physically abnormal to the degree as to impair seriously their ability to earn a living” (12-13)

section 22 (1) (i): non-citizens who did not enter at a port of entry or have “eluded examination or inquiry under this Act” (24)

This piece of legislation allows police and immigration officers to stop persons who they ‘suspect’ fit into this category ‘upon reasonable grounds’. This is where xenophobia, corruption and the image of “Spanish Gyal” step in to fill in the gaps between the law saying “suspect’ and ‘reasonable’ and the psychological justification for choosing specific individuals to stop and frisk, and perhaps extort a fee from- either unofficially in exchange for not turning someone in, or taking them in and officially having them be charged up to \$2,100TT per person, including children, for entering ‘illegally.’ As one refugee subject participant stated, it is unjust for the state to extort money from refugees/asylum-seekers who are already fleeing tough economic circumstances, and are not allowed to work legally. The state must know the economic circumstances of refugees, in its monthly discussions with UNHCR and LWC, or through experience. Rather than changing the policy, or granting an amnesty for such persons, the state has instead set up an incremental payment system. To increase the economic burden on people who are already struggling financially, is to make it even more necessary for them to enter the informal economy to pay off the debts for entering ‘illegally’ and creates a situation where they are more likely to compromise on exploitative working conditions.

The fear of detention and deportation works in an attempt to control the refugees/asylum-seekers (as well as other undocumented migrants and sex workers). The next section draws on the stories of refugee subject participants discussing the prevalence of detention and the fear of it in their lives. One refugee subject participant said:

**Entrevistadorx:** ¿Qué dices a tus hijos?

**Entrevistadx:** Que se cuiden... y si los detienen, aunque haya agresividad, que se mantengan ecuánime, porque solo el hecho que ellos se mantengan ecuánime... porque cuando tú tienes miedo, sabes que... Sí da miedo porque te piden los papeles, sabiendo cómo han maltratado mucha gente, ya uno tiene miedo, pero uno que se mantenga firme en cosas.. él que está en el otro lado sabe dónde hasta parar.

**Interviewer:** What do you tell your kids?

**Interviewee:** To take care of themselves... and if they detain them, even if there is aggressivity, that they maintain impartial, because just the fact that they stay impartial... because when you are scared, you know.... You get scared because they ask you for papers, knowing that they mistreated many people, one gets scared, but one stays stays firm... the one on the other side knows when to stop.

Another refugee subject participant opened up:

**Entrevistadorx:** ¿Cómo el miedo de ser detenida te afecta en tu vida normal? ¿Te afecta? ¿Qué les dice a tus hijos? [pausa larga] Si no quieres contestar está bien.

**Entrevistadx:** Perdón. [pausa] Esto es la oración diaria para mí. Pedirle a Dios que no me separen de mis hijos [voz temblando] [resoplido]. Yo antes de acostarme es una oración y siempre tengo a la mente eso. . . separar de mis hijos. Es algo muy fuerte porque es que tú automáticamente tiene es en la cabeza que no te separes de tus hijos y que no te vayan a detener injustamente, [resoplido] porque nosotros tenemos hijos a recoger, a quien darle de comer. Mira, y no solamente eso sino de perder a un ser querido porque, oye, estar aquí con tus niños y a las 8 de la mañana que te detengan y no sepas donde van a guardar tus hijos [resoplido]. O sea, cuando me hicieron eso, que me detuvieron, y que no podía salir [resoplido] yo dije, oye, ¿Quién recoge a mis niños? ¿Dónde van a dormir? ¿Con quién van a dormir? [voz temblando] o sea, ¿Quién les va a recoger? ¿Quién les va a decir? Entonces yo que le pedí a Dios . . . Entonces eso ha sido mi apoyo, mi mayor apoyo que ha sido Dios. Lo siento bastante cerca. Siento bastante cerca Dios. Siempre le pido, y mis oraciones son—aparte de mis hijos, no permita que mi mamá le vaya a pasar algo que yo no pueda ir por favor. O sea, por favor ayúdame. Ayúdame, cuídame a mis hijos, a mi mamá, que son los más importantes que tengo en esta vida.

**Interviewer:** *How does the fear of being detained affect you in your normal life? Does it affect you? What do you tell your kids? [long pause] If you don't want to respond, that is fine.*

**Interviewee:** *I'm sorry. [pause]. This is the daily prayer for me. To ask God not to separate me from my kids [shaky voice and sniffing]. Before going to bed, I say a prayer and always have this on my mind . . . to separate from my kids. It's something extremely difficult because you always have that in your head, [for them] not to separate you from your kids and to not detain you unfairly, [sniffing] because we have kids to pick up, to feed. Look, not only that, but also losing a loved one because, hey, being here with your kids and detaining you at 8 in the morning and you don't know where they're going to keep your kids [sniffing]. I mean, when they did that to me, detain me, and I couldn't leave [sniffing] I said, "hey, Who is going to pick up my kids? Where are they going to sleep? Who are they going to sleep with?" So I ask God . . . So this has been my support, my biggest support has been God. I feel him really close. I feel close to God. I always ask, and my prayers are-- apart from my children, to not let anything happen to my mom because I can't go (to Venezuela where her mother is), please. I mean, please help me. Help me, take care of my children, my mom, who are the most important [people] I have in this life.*

Two refugee subject participants experienced detention, and all three of them knew many people who had been detained. The quotations from interviews above express the fear that refugee adults have not for themselves, but for their children and dependents should either one of them be detained. I invite the readers to sit with these extracts for a while and bring them to life through imagination. Most parents and guardians want the best for their children/dependents, but how does



the fear of detention manifest not just in their words above, but in what they tell their children/dependents, and how they think and live their everyday lives. This fear keeps refugees/asylum-seekers self-locked in their houses- every trip to the beach, the park, the grocery, to LWC, to the hospital is a risk. Even the homes of refugees/asylum-seekers are not free from this persecution, as demonstrated by the visits of immigration officers to the house of a refugee subject participant who was at a protest against refugee discrimination that day. Refugees and asylum-seekers do not just succumb to this fear, many challenge it and the threats from employers and everyday Trinbagonians who threaten to ‘call immigration on them’- even if it is just preparing their children/dependents for what to do if they should be stopped by police/immigration officers.

The policing of refugee bodies violates human rights, their rights as refugees. Furthermore, it works alongside other pieces of legislation to hypocritically exclude certain people from the nation, while profiting from their labour or detention under the table. The fear that this policing causes is used to silence refugees/asylum-seekers into a more exploitable labour pool, despite their continuous resistance and awareness of this injustice.

### **HEALTH CARE, HOUSING, AND XENOPHOBIA**

Refugees and asylum-seekers not only face discrimination from the state and police/immigration forces, but also from the Trinbagonian public. There are of course many Trinbagonians who welcome refugees/asylum-seekers and who advocate for their well-being and rights. However, there is widespread xenophobia as demonstrated by newspaper editorials, social media and stories from refugee and LWC/NGO subject participants. These xenophobic expressions, whether verbalised or acted, go beyond the common lack of knowledge about refugees/asylum-seekers, although ignorance does contribute to these attitudes. They are hateful, violent, and include exploitation of refugees/asylum-seekers, or undocumented migrants, whose vulnerable situation is deliberately ignored and exploited. It seems that xenophobia in Trinidad and Tobago is sustained by press coverage and government statements, as well as the scapegoating of economic issues to so-called “economic migrants”. The press coverage of refugees/asylum-seekers in Trinidad and Tobago is small but has increased over the years with the increase of Venezuelan refugees in the past few years. They mainly include a large number brothel raid reports implicating Latin American women as sex workers, some reports on complaints against detention center, some reports of refugee protests, editorials of mixed opinions, and a significant number of statements by Ministers and other governmental officials, especially that of National Security Ministers. The raids are the most consistently frequent topic covered over the years, and the political statements have been increasing as well as with general reports on Venezuelans in the last two years. In press coverage, there is almost no awareness of what a refugee means or what these persons are fleeing and what their experiences in Trinidad and Tobago are like. In fact, the language ‘refugee’ or ‘asylum-seeker’ is largely non-existent with persons being called by their nationality (or in the case of some by their continent- ‘Africans’) such as Venezuelans, Chinese, Cubans. Furthermore, the conflation with non-nationals as criminalised ‘illegal immigrants’ is strong as that is almost the only time that they are mentioned. Here the treatment and attitude towards refugees/asylum-seekers and other immigrants as border security issues by the National Security Ministers. These portrayals of immigrants, including refugees/asylum-seekers, and the absence of everything about their situations that might humanise and contextualise them, perpetuates unfounded beliefs such as migrants coming to steal jobs and social/health care.

A common manifestation of xenophobic attitudes in Trinidad and Tobago is the threats of deportation or contacting immigration authorities specifically with regards to housing or similarly exploiting the vulnerability of refugees and asylum-seekers. The main complaints with housing is that it is too expensive. The aid that unhcr provides does not even cover the cost of rent at least that was mentioned by two refugee subject participants. The situation is heightened when the refugees and asylum-seekers are members of the LGBTQ community.

A refugee subject participant explained her experience with her landlord and the UNHCR. In this case, her family did qualify for UNHCR to pay for about a third of the rent, in the form of a check written directly from UNHCR to the renter. The family had trouble with their landlord stating that they had missed a month- but they kept their receipts and were able to prove that wasn't the case. He then changed his story and said they had never paid the deposit, but they checked their contract and saw that was also not the case. At this point, one male family member who spoke English fairly well went on behalf of the family and spoke firmly to the landlord, who settled down for a while. A little later when one of the main breadwinners had lost their job, he started causing trouble again- saying that UNHCR had not paid him for two months and they owed him that money. Eventually, the landlord threatened saying he had copies of their passports and registration at LWC and would turn them in to the police. The family desperately called UNHCR who finally intervened. It turns out the two months had been deposited but the landlord was just trying to take advantage of their already vulnerable situation.

## RESISTANCE AND SOLIDARITY THROUGH WHATSAPP

When asked if the support from UNHCR and LWC was enough, a refugee subject participant summed it up:

Es muy complicado responderte ahora porque de verdad no es lo suficientemente algo que nos proteja. O sea, nos protege sí con el carnet porque estamos registrados en un sistema, tal cosa nos presta ayuda monetaria, y aun así, debemos luchar porque aquí no es fácil comprar comida, pagar renta, transporte... Es una pregunta para mí muy difícil responder. No es nada fácil. Yo en decir sí me siento protegida... --porque de verdad es bastante fuerte sobrevivir aquí. Muy fuerte.

*It's very complicated responding [to that] right now because, honestly, it's not sufficiently something that protects us. I mean, it protects us with the ID card because we are registered in a system, they might lend us monetary help, and even then, we must struggle because here it's not easy to buy food, pay rent, transportation... It's a difficult question for me to answer. It's not easy at all. In saying that I feel protected... --because honestly, it's very hard to survive here. Very hard.*

Although denied the right to work, refugees are not sufficiently supported financially or materially by UNHCR or LWC. For the survival of themselves and their families, often including those who they left behind, they have to work in the informal economy where they are subject to policing and exploitation. The organisations which are supposed to protect them, UNHCR and LWC, fail to do so by “turning a blind eye” on refugees working illegally rather than demanding that the government changes its unjust laws, or establishing a network of decent employers. In the face of numerous challenges in a country that does not recognise their rights as people, refugees have demonstrated continuous resistance. Throughout this paper are examples of this such as

demanding the sexual harasser leave the maxi taxi, or demanding to be paid fairly for their work. In addition to their individual everyday resistance, refugees also create long-term systems of solidarity and support for each other, as well as organise protests. For example, African refugees have held many hunger strikes in IDC over the past few decades. The recently started group discussion with a trained social worker, catering to regional LGBTQ refugees has also been a site of resistance. Before the group, LGBTQ refugees- men who have sex with men (MSM) from Jamaica being the majority, would try to avoid other Jamaicans in order to protect themselves and their families back in Jamaica from homophobic violence. Since the group has started meeting consistently, these refugees, who face particular concerns living in a less but still homophobic country, have been able to exchange information about the asylum application process and other survival tactics in Trinidad and Tobago. For example, awareness was raised about documenting the homophobic injustices they face to strengthen their resettlement claims.

All three refugee subject participants described how useful Whatsapp groups are to themselves and other refugees. Each were involved in a few (2-4) WhatsApp groups where all sorts of issues and requests were addressed including helping refugees find clothes, jobs, who has been arrested or if police are in a certain place, food, answering personal questions, finding cheap housing. Some WhatsApp groups specifically aim to counteract the lack of knowledge surrounding refugeehood in Trinidad and Tobago by disseminating information about events, legal updates, refugee rights and obligations, and safe places for refugees. Not only do these WhatsApp groups connect refugees with these opportunities and resources, but they also build friendships and allow better-off refugees to share the resources they have. In doing so, these WhatsApp chats embody a site of informal solidarity. In contrast to the general treatment of refugees as ‘victims’ or ‘criminals’, in these groups refugees are perceived and act as dignified people with subjectivity and agency.

The WhatsApp groups consist of different organisations and groups of people. There are some with UNHCR and LWC, some with parents/guardians and Learning Center employees, some with persons who have dual nationality (Venezuelan-Trinbagonians) or transcultural identity/experience in both countries. Actually LWC and UNHCR do tap into WhatsApp groups for disseminating information and communication on various projects. However, some refugee subject participant spoke about how the UNHCR/refugee groups were strongest during and immediately after December 2017 when UNHCR officials visited Trinidad, but the communication has dwindled since then.

The solidarity between Venezuelan-Trinbagonians and incoming Venezuelan refugees has been a “bridge to integration”. These persons have access to resources and cultural knowledge which they share with incoming refugees, including finding employment or food. Their active support has been invaluable to refugees, as they can communicate with them in fluent Venezuelan-Spanish, as well as in Trini-English to those who might provide employment, food, or other materials and opportunities. Their cultural knowledge also allows them to navigate both populations in such a way to channel resources and opportunities towards the Venezuelan refugee

population. Such a system would be useful to expand and to build support around, or to channel international or national funding into.

## CONCLUSION

Latinx refugee women encounter the “Spanish Gyal” imaginary in their everyday experiences. By unpacking the historical roots of the “Spanish Gyal” and its contradictions within human trafficking and sex tourism, its coloniality is exposed. The “Spanish Gyal” works through these forms of biopower, connecting Latinx refugee women, sex workers, and undocumented or refugee persons in discrimination and dehumanisation. This group is criminalised, barred access to human rights, and so becomes an “exploitable” labour force. The “Spanish Gyal” imaginary is merely one of the many everyday oppressions that refugees must navigate in Trinidad and Tobago, which range from the right to work, to education, to health care. Despite the vulnerable and dire circumstances of refugees, they continue to demonstrate their subjectivity and agency through resistance.

Refugees are (mis)treated because they are non-citizens. The laws, government, and public of Trinidad and Tobago express hostility and disregard for human rights towards refugees as non-citizens. Moreover, refugees must navigate the agendas of governments, international humanitarian organisations, and even smaller local organisations. Intentionally or not, these also enforce the violence of colonialism/capitalism. The dehumanisation of refugees ultimately results from the nation-citizen world order, which stemmed from capitalism and was globalised through colonialism. The nation-citizen social contract, which is the foundation of the nation-citizen global hegemony, is inscribed with coloniality. While nationalism has been a tool toward liberation from colonialism in the past, the dehumanisation of refugees as non-citizens reveals it to be product and tool of colonialism/capitalism.

The circumstances in Trinidad and Tobago are constantly evolving as proven by an announcement made last month. The government announced the “Venezuelan Registration Policy” on 11<sup>th</sup> April 2019 that demands Venezuelan nationals in the country to register themselves between 31<sup>st</sup> May and 14<sup>th</sup> June 2019. During the two-week period, those in detention will be released and those who entered the country “legally or illegally” will be allowed to register. Upon passing the necessary tests, persons who have registered will receive a “Work Permit Extension” for six months with an ability to renew only once for another six months. This immigration initiative seems to be a step forward in giving Venezuelan refugees the necessary tools to build a dignified life. However, the work permit alone will not alleviate the struggles of refugees due to the temporary and restricted nature of the policy. It is limited to *Venezuelan* nationals with sufficient documentation, and it only provides restricted access public healthcare and no access to any type of education.<sup>96</sup> What seems to be a progressive policy has already failed to move away from coloniality. Again colonialism/capitalism are reforming and their project of creating a dehumanised exploitable labour force remains. Until we turn away from the “master’s tools” of nationalism and the nation-citizen world order, coloniality will continue to (re)manifest.

<sup>96</sup> Office of the Prime Minister. “Venezuelan Registration Policy Gets Green Light.” *Office of the Prime Minister Republic of Trinidad and Tobago*, 11 April 2019. [www.opm.gov.tt/venezuelan-registration-policy-gets-green-light/](http://www.opm.gov.tt/venezuelan-registration-policy-gets-green-light/)

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